

Uldaho Law

Digital Commons @ Uldaho Law

Idaho Supreme Court Records & Briefs, All

Idaho Supreme Court Records & Briefs

2-22-2019

First Security Corporation v. Belle Ranch, LLC Clerk's Record v. 2 Dckt. 46144

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/
idaho_supreme_court_record_briefs](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs)

Recommended Citation

"First Security Corporation v. Belle Ranch, LLC Clerk's Record v. 2 Dckt. 46144" (2019). *Idaho Supreme Court Records & Briefs, All*. 7534.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/7534

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ Uldaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs, All by an authorized administrator of Digital Commons @ Uldaho Law. For more information, please contact annablaine@uidaho.edu.

IN THE SUPREME COURT OF THE STATE OF IDAHO

Belle Ranch, LLC
vs.
South County Estates, LLC, an Idaho
LLC, Big Stick, LLC, Pensco Trust
Company, Pensco Trust Company
Custodian, First Security Corporation, an
Idaho corporation, Mountain West Bank,
An Idaho Bank, GBCI Other Real Estate,
LLC

Supreme Court Case No. 46144-2018
& 46147

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fifth Judicial District,
in and for the County of Blaine

HONORABLE JONATHAN P. BRODY

Chris M. Bromley
Attorney for Appellant

Albert P. Barker
Attorney for Respondent

James R. Laski
Attorney for Appellant

Michael D. Mayfield
Attorney for Respondent

BLAINE COUNTY DISTRICT COURT

CASE SUMMARY**CASE NO. CV-2016-671**

Belle Ranch, LLC
vs.
South County Estates, LLC, an Idaho LLC, Big Stick, LLC, Pensco Trust Company, Pensco Trust Company Custodian, First Security Corporation, an Idaho corporation, Mountain West Bank, An Idaho Bank, GBCI Other Real Estate, LLC

§
§
§
§

Location: **Blaine County District Court**
 Judicial Officer: **Brody, Jonathan P.**
 Filed on: **12/21/2016**
 Case Number History:

CASE INFORMATION**Related Cases**

CV-2016-645 (Consolidated Case)
 CV-2016-683 (Consolidated Case)

Case Type: **AA- All Initial District Court Filings (Not E, F, and H1)**

Case Status: **05/08/2018 Closed**

Case Flags: **Clerk Alert**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number CV-2016-671
 Court Blaine County District Court
 Date Assigned 10/08/2017
 Judicial Officer Brody, Jonathan P.

PARTY INFORMATION

Plaintiff	Belle Ranch, LLC	<i>Lead Attorneys</i> Arrington, Paul LaMar <i>Retained</i> 208-344-6690(W)
Defendant	Big Stick, LLC	Laski, James R. <i>Retained</i> 208-725-0055(W)
	First Security Corporation, an Idaho corporation	Bromley, Christopher Michael <i>Retained</i> 208-287-0991(W)
	GBCI Other Real Estate, LLC	Sweney, Richard Wayne <i>Retained</i> 208-666-4101(W)
	Mountain West Bank, An Idaho Bank	Sweney, Richard Wayne <i>Retained</i> 208-666-4101(W)
	Pensco Trust Company	
	Pensco Trust Company Custodian	
	South County Estates, LLC, an Idaho LLC	Laski, James R. <i>Retained</i> 208-725-0055(W)
Cross Claimant	First Security Corporation, an Idaho corporation	Bromley, Christopher Michael <i>Retained</i> 208-287-0991(W)
Cross Defendant	GBCI Other Real Estate, LLC	Sweney, Richard Wayne <i>Retained</i> 208-666-4101(W)

BLAINE COUNTY DISTRICT COURT

CASE SUMMARY**CASE NO. CV-2016-671****Mountain West Bank, An Idaho Bank****Sweney, Richard Wayne***Retained*

208-666-4101(W)

South County Estates, LLC, an Idaho LLC**Laski, James R.***Retained*

208-725-0055(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
12/21/2016	New Case Filed Other Claims <i>New Case Filed - Other Claims</i>	
12/21/2016	Notice of Appearance <i>Plaintiff: Belle Ranch, LLC Appearance Paul L. Arrington</i>	
12/21/2016	Miscellaneous <i>Filing: AA- All initial civil case filings in District Court of any type not listed in categories E, F and H(1) Paid by: Barker Rosholt & Simpson LLP Receipt number: 0008378 Dated: 12/21/2016 Amount: \$221.00 (Check) For: Belle Ranch, LLC (plaintiff)</i>	
12/21/2016	Complaint Filed <i>Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to South County Estates, LLC, an Idaho LLC; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to Big Stick, LLC; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to Pensco Trust Company; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to Pensco Trust Company Custodian; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to First Security Corporation; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to Mountain West Bank, an Idaho Corporation; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Miscellaneous <i>Summons: Document Service Issued: on 12/21/2016 to GBCI Other Real Estate, LLC; Assigned to Returned to Counsel for Service. Service Fee of \$0.00.</i>	
12/21/2016	Summons Issued Party: Defendant South County Estates, LLC, an Idaho LLC	
12/21/2016	Summons Issued Party: Defendant Big Stick, LLC	
12/21/2016	Summons Issued Party: Defendant Pensco Trust Company	
12/21/2016	Summons Issued Party: Defendant Pensco Trust Company Custodian	

CASE SUMMARY**CASE NO. CV-2016-671**

12/21/2016	Summons Issued Party: Defendant First Security Corporation, an Idaho corporation
12/21/2016	Summons Issued Party: Defendant Mountain West Bank, An Idaho Bank
12/21/2016	Summons Issued Party: Defendant GBCI Other Real Estate, LLC
12/21/2016	Summons South County Estates, LLC, an Idaho LLC Unserved
12/21/2016	Summons Big Stick, LLC Unserved
12/21/2016	Summons Pensco Trust Company Unserved
12/21/2016	Summons Pensco Trust Company Custodian Unserved
12/21/2016	Summons First Security Corporation, an Idaho corporation Unserved
12/21/2016	Summons Mountain West Bank, An Idaho Bank Unserved
12/21/2016	Summons GBCI Other Real Estate, LLC Unserved
02/01/2017	Affidavit <i>Affidavit of service and return of service</i>
02/01/2017	Miscellaneous <i>Admission of Service on Big Stick LLC</i>
02/01/2017	Miscellaneous <i>Admission of Service on Mountain West Bank and GBCI Other Real Estate LLC</i>
02/01/2017	Acceptance of Service <i>Acceptance Of Service</i>
02/01/2017	Miscellaneous <i>Supplemental certificate of service</i>
02/01/2017	Notice of Appearance <i>Defendant: First Security Corporation, an Idaho corporation Appearance Chris Bromley</i>
02/01/2017	Answer <i>Defendant First Security Corporation's Answer to Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights, and Cross-Claim</i>

CASE SUMMARY**CASE NO. CV-2016-671**

02/06/2017	Notice of Appearance <i>Defendant: Big Stick, LLC Appearance James R. Laski</i>
02/06/2017	Notice of Appearance <i>Notice Of Appearance for Defendant Big Stick, LLC</i>
02/06/2017	Notice of Appearance <i>Defendant: South County Estates, LLC, an Idaho LLC Appearance James R. Laski</i>
02/06/2017	Notice of Appearance <i>Notice Of Appearance for Defendant South County Estates, LLC</i>
02/07/2017	Miscellaneous <i>Filing: II - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Laski, James R. (attorney for Big Stick, LLC) Receipt number: 0000770 Dated: 2/7/2017 Amount: \$136.00 (Check) For: Big Stick, LLC (defendant)</i>
02/07/2017	Miscellaneous <i>Filing: II - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Laski, James R. (attorney for South County Estates, LLC, an Idaho LLC) Receipt number: 0000775 Dated: 2/7/2017 Amount: \$136.00 (Check) For: South County Estates, LLC, an Idaho LLC (defendant)</i>
02/07/2017	Miscellaneous <i>Filing: II - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Bromley, Chris (attorney for First Security Corporation, an Idaho corporation) Receipt number: 0000776 Dated: 2/7/2017 Amount: \$136.00 (Check) For: First Security Corporation, an Idaho corporation (defendant)</i>
02/07/2017	Miscellaneous <i>Filing: K4 - Cross Claim (defendant v defendant or plaintiff v. plaintiff) This fee is in addition to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case Paid by: Bromley, Chris (attorney for First Security Corporation, an Idaho corporation) Receipt number: 0000776 Dated: 2/7/2017 Amount: \$14.00 (Check) For: First Security Corporation, an Idaho corporation (defendant)</i>
02/07/2017	Summons Issued <i>Summons Issued x3</i>
02/07/2017	Miscellaneous <i>Summons: Document Service Issued: on 2/7/2017 to South County Estates, LLC, an Idaho LLC; Assigned to Returned to Counsel for Service. Service Fee of \$0.00. cross claim</i>
02/07/2017	Miscellaneous <i>Summons: Document Service Issued: on 2/7/2017 to Mountain West Bank, an Idaho Corporation; Assigned to Returned to Counsel for Service. Service Fee of \$0.00. cross claim</i>
02/07/2017	Miscellaneous <i>Summons: Document Service Issued: on 2/7/2017 to GBCI Other Real Estate, LLC; Assigned to Returned to Counsel for Service. Service Fee of \$0.00. cross claim</i>
02/07/2017	Summons Issued <i>Party: Defendant South County Estates, LLC, an Idaho LLC cross claim</i>
02/07/2017	Summons Issued <i>Party: Defendant Mountain West Bank, An Idaho Bank cross claim</i>
02/07/2017	Summons Issued <i>Party: Defendant GBCI Other Real Estate, LLC cross claim</i>

CASE SUMMARY**CASE No. CV-2016-671**

02/07/2017	Summons South County Estates, LLC, an Idaho LLC Unserved <i>cross claim</i>
02/07/2017	Summons Mountain West Bank, An Idaho Bank Unserved <i>cross claim</i>
02/07/2017	Summons GBCI Other Real Estate, LLC Unserved <i>cross claim</i>
02/15/2017	Answer <i>Defendant Big Stick, LLC's amended answer to verified complaint for declaratory relief and to quiet title to water rights and cross-claim</i>
02/15/2017	Answer <i>Defendant South county Estates, LLC's answer to verified complaint for declaratory relief and to quiet title to water rights</i>
02/15/2017	Answer <i>Defendant Big Stick, LLC's answer to verified complaint for declaratory relief and to quiet title to water rights and cross-claim</i>
02/17/2017	Notice of Appearance <i>Defendant: Mountain West Bank, an Idaho Corporation Appearance R. Wayne Sweney</i>
02/17/2017	Notice of Appearance <i>Defendant: GBCI Other Real Estate, LLC Appearance R. Wayne Sweney</i>
02/17/2017	Notice of Appearance <i>Notice Of Appearance by Mountain West and GBCI</i>
02/17/2017	Miscellaneous <i>Filing: 11 - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Lukins & Annis, PS Receipt number: 0001039 Dated: 2/17/2017 Amount: \$136.00 (Check) For: GBCI Other Real Estate, LLC (defendant) and Mountain West Bank, an Idaho Corporation (defendant)</i>
02/21/2017	Miscellaneous <i>Admission Of Service By FSC on Mountain West Bank and GBCI other Real Estate, LLC</i>
02/21/2017	Acceptance of Service <i>Acceptance Of Service</i>
02/28/2017	Answer <i>Defendent/Cross-Defendent South County Estates, LLC's Answer to Defendent/Cross-claimant First Security Corporation's Cross-Claim</i>
03/03/2017	Miscellaneous <i>Disclaimer by Mountain West Bank and GBCI Other Real Estate, LLC</i>
04/14/2017	Stipulation <i>Stipulation to consolidate related cases</i>
04/27/2017	Hearing Scheduled <i>Hearing Scheduled (Pretrial Conference 11/20/2017 01:30 PM)</i>




CASE SUMMARY**CASE No. CV-2016-671**

04/27/2017	Hearing Scheduled <i>Hearing Scheduled (Court Trial 12/13/2017 09:00 AM) 3 days</i>
04/27/2017	Miscellaneous <i>Civil Case Scheduling Order, Notice of Trial Setting and Initial Pretrial Order</i>
05/23/2017	Order <i>Order Consolidating Case Nos. CV16-645, CV16-671, CV16-683</i>
06/09/2017	Hearing Scheduled <i>Hearing Scheduled (Motion for Summary Judgment 07/11/2017 02:30 PM)</i>
07/11/2017	Continued <i>Continued (Motion for Summary Judgment 09/19/2017 02:00 PM)</i>
07/11/2017	Hearing Vacated <i>Hearing result for Court Trial scheduled on 12/13/2017 09:00 AM: Hearing Vacated 3 days</i>
07/11/2017	Hearing Vacated <i>Hearing result for Pretrial Conference scheduled on 11/20/2017 01:30 PM: Hearing Vacated</i>
09/01/2017	Affidavit <i>Affidavit of Chris M Bromley in Support of First Security Corporation's, Response to Belle Ranch, LLC's and RABO Agrifinance LLC's Joint Memorandum in Support of Cross-Motion for Summary Judgment</i>
09/01/2017	Response <i>First Security Corporation's Response to Belle Ranch, LLC's and RABO Agrifinance LLC's Joint Memorandum in Support of Cross-Motion for Summary Judgment</i>
09/01/2017	Affidavit <i>Affidavit of John Scherer in Support of Big Stick, LLC's, Richard D Fosbury's and Charles Holt's Opposition to Belle Ranch, LLC's and RABO Agrifinance, LLC's Joint Cross-Motion for Summary Judgment</i>
09/01/2017	Opposition to <i>Big Stick, LLC's Richard D Fosbury's and Charles Holt's Opposition To Belle Ranch, LLC's and RABO Agrifinance, LLC's Joint Cross-Motion for Summary Judgment</i>
09/19/2017	Court Minutes <i>Court Minutes</i> <i>Hearing type: Motion for Summary Judgment</i> <i>Hearing date: 9/19/2017</i> <i>Time: 2:15 pm</i> <i>Courtroom:</i> <i>Court reporter: Susan Israel</i> <i>Minutes Clerk: Rosie Propsom</i> <i>Tape Number:</i> <i>Party: Belle Ranch, LLC, Attorney: Paul Arrington</i> <i>Party: Big Stick, LLC, Attorney: James Laski</i> <i>Party: First Security Corporation, an Idaho corporation, Attorney: Chris Bromley</i> <i>Party: GBCI Other Real Estate, LLC, Attorney: R. Sweney</i> <i>Party: Mountain West Bank, An Idaho Bank, Attorney: R. Sweney</i> <i>Party: South County Estates, LLC, an Idaho LLC, Attorney: James Laski</i>
09/19/2017	Motion for Summary Judgment (2:00 PM) (Judicial Officer: Brody, Jonathan P.) <i>Hearing result for Motion for Summary Judgment scheduled on 09/19/2017 02:00 PM:</i> <i>District Court Hearing Held</i> <i>Court Reporter:</i> <i>Estimated Number of Transcript Pages for this hearing:</i>
09/20/2017	DC Hearing Held: Court Reporter: # of Pages:

BLAINE COUNTY DISTRICT COURT

CASE SUMMARY**CASE No. CV-2016-671**

*Hearing result for Motion for Summary Judgment scheduled on 09/19/2017 02:00 PM:
District Court Hearing Held
Court Reporter:
Estimated Number of Transcript Pages for this hearing:*

09/21/2017	Change Assigned Judge <i>Change Assigned Judge (batch process)</i>
10/06/2017	 Order of Assignment - Administrative
11/20/2017	CANCELED Pre-trial Conference (1:30 PM) (Judicial Officer: Elgee, Robert J.) <i>Vacated Hearing result for Pretrial Conference scheduled on 11/20/2017 01:30 PM: Hearing Vacated</i>
12/14/2017	Court Trial (9:00 AM) (Judicial Officer: Elgee, Robert J.) 12/14/2017-12/15/2017 <i>3 days Hearing result for Court Trial scheduled on 12/13/2017 09:00 AM: Hearing Vacated</i>
05/08/2018	 Judgment
05/08/2018	Final Judgment (Judicial Officer: Brody, Jonathan P.) Comment (Belle Ranch, LLC is the sole owner of water rights: 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630 subject to security interest of record)
05/08/2018	Civil Disposition Entered
08/02/2018	 Order <i>Amended Order Consolidating Appeals for Purpose of Clerk's Record and Reporter's Transcript Only</i>

DATE**FINANCIAL INFORMATION****Defendant** First Security Corporation, an Idaho corporation

Total Charges	150.00
Total Payments and Credits	150.00
Balance Due as of 8/15/2018	0.00

Defendant GBCI Other Real Estate, LLC

Total Charges	136.00
Total Payments and Credits	136.00
Balance Due as of 8/15/2018	0.00

Defendant Mountain West Bank, An Idaho Bank

Total Charges	0.00
Total Payments and Credits	0.00
Balance Due as of 8/15/2018	0.00

Defendant South County Estates, LLC, an Idaho LLC

Total Charges	136.00
Total Payments and Credits	136.00
Balance Due as of 8/15/2018	0.00

Defendant Big Stick, LLC

Total Charges	136.00
Total Payments and Credits	136.00
Balance Due as of 8/15/2018	0.00

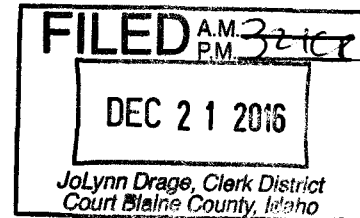
Plaintiff Belle Ranch, LLC

Total Charges	221.00
Total Payments and Credits	221.00
Balance Due as of 8/15/2018	0.00

CASE SUMMARY

CASE No. CV-2016-671

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 16-671

**VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND TO
QUIET TITLE TO WATER RIGHTS**

ROBERT J. ELGEE

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF
AND TO QUIET TITLE TO WATER RIGHTS**

COMES NOW, BELLE RANCH, LLC, Plaintiff, by and through its attorneys of record, and for a cause of action against Defendants allege as follows:

PARTIES

1. Plaintiff, Belle Ranch, LLC, is an Idaho limited liability company with its primary place of business located in Blaine County, Idaho.

2. Defendant, South County Estate, LLC, was an Idaho limited liability company with its primary place of business located in Blaine County, Idaho until November 3, 2011, when it was administratively dissolved by the Secretary of State for the State of Idaho. John R. Scherer is the only identified member of South County Estates, LLC and is identified as the registered agent of South County Estates, LLC.

3. Defendant, Big Stick, LLC, was an Idaho limited liability company with its primary place of business located in Blaine County, Idaho. John R Scherer is the only identified member of Big Stick, LLC and is identified as the registered agent of South County Estates, LLC.

4. Defendant, PENSCO Trust Company Custodian F.B.O. Richard D. Fosbury, IRA #F01EC is a trust claiming an interest in a portion of certain water rights in Blaine County, Idaho.

5. Defendant, PENSCO Trust Company Custodian F.B.O. Charles Holt, IRA #H01NH is a trust claiming an interest in a portion of certain water rights in Blaine County, Idaho.

6. Defendant, PENSCO Trust Company Custodian F.B.O. Charles Holt, IRA #H01NV is a trust claiming an interest in a portion of certain water rights in Blaine County, Idaho.

7. Defendant, First Security Corp. (“FSC”) is a bank doing business in the State of Idaho, including Blaine County, Idaho.

8. Defendant, Glacier Bank, transacting business in Idaho as Mountain West Bank, a division of Glacier Bank (“MWB”) is a bank doing business in the State of Idaho, including Blaine County, Idaho.

9. Defendant, GBCI Other Real Estate, LLC (“GBCI”) is an Idaho limited liability company doing business in the state if Idaho, including Blaine County, Idaho.

10. Defendants, Does 1-5 are all those persons claiming any right, title and/or interest in the water rights that are the subject of this lawsuit.

VENUE AND JURISDICTION

11. This Court has jurisdiction over this action pursuant to Idaho Code §§ 1-705, 5-401, 6-401 and 10-1201.

12. This Court has jurisdiction over Defendants because Defendants may assert some claim of ownership, use, or possession of certain water rights appurtenant to real property within Blaine County, which is the subject of the lawsuit.

13. Venue is proper in this County pursuant to Idaho Code § 5-401, as the water rights in question are appurtenant to real property located in Blaine County, Idaho.

FACTUAL BACKGROUND

14. Notices of claim for the following water rights were filed in Snake River Basin Adjudication, by G. Chapman Petersen and Associates, in October, 1988.

Water Rights	Priority Date	Div. Rate	Source
37-481C	Aug. 1, 1882	3.014 cfs	Big Wood River
37-482H	Aug. 1, 1884	3.012 cfs	Big Wood River
37-483C	Aug. 1, 1902	15.086 cfs	Big Wood River
37-577BT	Mar. 24, 1883	2.2 cfs	Big Wood River
37-2630	Feb. 2, 1960	3.75 cfs	Groundwater

(the “Water Rights”).

15. The Water Rights are appurtenant to certain identified real property located in Blaine County, Idaho (the “Real Property”).

16. In 2003, South County Estates, LLC acquired the Real Property and Water Rights.

17. South County Estates, LLC was formed in 2003 and for all years on record with the Idaho Secretary of State (2004-2010), John Scherer was identified as the “Managing Member” or “Member.” On November 3, 2011, South County Estates, LLC was administratively dissolved by the Secretary of State for the State of Idaho.

18. In early 2007, the Director of the Idaho Department of Water Resources (“IDWR”) entered recommendations with the Snake River Basin Adjudication (“SRBA”) for the Water Rights. The recommendations authorized the irrigation of 289 acres within the Real Property and identified South County Estates, LLC as the sole owner of the Water Rights.

19. All documents filed with the SRBA in relation to the Water Rights were either filed by or served on South County Estates, LLC through its member, John Scherer.

20. On October 13, 2005, Mountain West Bank (“MWB”) recorded a Mortgage for the Real Property (Blaine County Instrument No. 527439), which was modified, pursuant to the Modification of Mortgage, dated November 28, 2006 (Blaine County Instrument No. 542378). The Mortgage placed a lien on the Real Property to secure payments owned by South County Estates, LLC.

21. On December 7, 2007, South County Estates, LLC attempted to convey 2.8/289th of the Water Rights to Defendant Big Stick. There is no evidence that Big Stick ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly

acquired appurtenant to any other real property. Big Stick did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

22. On March 17, 2008, South County Estates, LLC, acting through its managing member John Scherer, attempted to convey 1/289th of the Water Rights to Defendant, Fosbury IRA via quitclaim deed. There is no evidence that Fosbury IRA ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly acquired appurtenant to any other real property. Fosbury IRA did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

23. On April 28, 2008, South County Estates, LLC attempted to convey 1/289th of the Water Rights to Defendant Holt IRA via quitclaim deed. There is no evidence that Holt IRA ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly acquired appurtenant to any other real property. Holt IRA did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

24. On August 8, 2008, South County Estates, LLC attempted to convey an additional 1/289th of the Water Rights to Defendant Holt IRA via quitclaim deed. There is no evidence that Holt IRA ever attempted to sever any portion of the Water Rights from the Real Property or

make the fraction allegedly acquired appurtenant to any other real property. Holt IRA did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

25. On September 18, 2008, South County Estates, LLC attempted to convey an additional $1/289^{\text{th}}$ of the Water Rights to Defendant, Fosbury IRA via quitclaim deed. There is no evidence that Fosbury IRA ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly acquired appurtenant to any other real property. Fosbury IRA did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

26. On April 8, 2009, South County Estates, LLC attempted to convey an additional $1/289^{\text{th}}$ of the Water Rights to Defendant Holt IRA via quitclaim deed. There is no evidence that Holt IRA ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly acquired appurtenant to any other real property. Holt IRA did not put the water in the Idaho State Water Bank. Nor did it ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

27. On June 25, 2009, South County Estates, LLC attempted to convey $7.5/298^{\text{th}}$ of the Water Rights to John Scherer and Charles Holt via quitclaim deed. This interest was

purportedly subsequently conveyed to Defendant, First Security Corporation (“FSC”). There is no evidence that either John Scherer, Charles Holt or FSC have ever attempted to sever any portion of the Water Rights from the Real Property or make the fraction allegedly acquired appurtenant to any other real property. Neither John Scherer, Charles Holt nor FSC put the water in the Idaho State Water Bank. Nor did they ever make any effort to beneficially use any portion of the Water Rights. Following this attempted conveyance, the Water Rights remain appurtenant, in full, to the Real Property and continued to be beneficially used by the owners of the Real Property.

28. Cumulatively, each of these transactions attempted to convey a total of 15.3/289th of the Water Rights.

29. South County Estates, LLC did not notify either the IDWR or the SRBA about the attempted conveyances.

30. On June 17, 2010, South County Estates, LLC executed a Deed in Lieu of Foreclosure conveying all of its interest in the Real Property, including the Water Rights, to MWB. *See ATTACHMENT A.*

31. At the time that the Deed in Lieu was executed, the entirety of the Water Rights remained appurtenant to the Real Property because none of the Defendants had made any effort to sever any portion of the Water Rights from the Real Property or make them appurtenant to any other property. The Deed in Lieu provided that the conveyance included “all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights).”

32. On June 17, 2010, MWB deeded the Real Property and appurtenant water rights to GBCI.

33. On June 28, 2010, the SRBA Court issued a Special Master's Report and Recommendation for each of the Water Rights, recommending that the Water Rights be decreed in the name of South County Estates, LLC. The Recommendation was served on South County Estates, LLC, through its attorney of record, James Speck.

34. None of the Defendants made any effort to challenge the Recommendation and none alleged that the Recommendation that the rights be decreed in the name of South County Estates, LLC was in error.

35. On July 9, 2010, the SRBA Court issued an Amended Special Master's Report and Recommendation, correcting a water right description error and continuing to recommend that each of the Water Rights, recommending that the Water Rights be decreed in the name of to South County Estates, LLC. The Amended Recommendation was served on South County Estates, LLC, through its attorney of record.

36. None of the Defendants made any effort to challenge the Amended Recommendation and none alleged that the recommendation that the rights be decreed in the name of South County Estates, LLC was in error.

37. On August 31, 2010, the SRBA entered an Order of Partial Decree for each of the Water Rights, decreeing the Water Rights in the name of to South County Estates. *See ATTACHMENT B.* The Partial Decrees were served on South County Estates, LLC and included a Rule 54(b) Certification.

38. None of the Defendants made any effort to challenge the Partial Decrees determination that the entirety of the Water Rights was owned by South County Estates, LLC and, as such, they became final Court decisions. None of the Defendants attempted to ask the

court to set aside the partial decrees before Basin 37 closed for claims, before the Final Unified Decree was issued or since.

39. On July 27, 2011, MWB submitted a Notice of Change in Water Rights Ownership with IDWR, to change the Water Rights ownership records to reflect that MWB owned the entirety of the Water Rights and that those rights were appurtenant to the Real Property. On September 13, 2011, IDWR notified MWB that the Ownership Change request has been completed and that the records for the Water Rights reflected that MWB owned the Water Rights, in their entirety. Idaho Code § 42-284(3) requires that notice of the changed ownership be sent to the original owner, in this case South County Estates, LLC. South County Estates, LLC and the other Defendants made no effort to challenge the determination that MWB owned the entirety of the water rights.

40. On December 20, 2011, GBCI conveyed its interest in the Real Property and Water Rights to Belle Ranch. The deed indicated that it conveyed “without limitation, Water Right Nos. 37-481C, 37-577BT, 37-482H, 37-2630 and 37-483C.”

41. On December 21, 2011, MWB conveyed its interest in the Real Property and Water Rights to Belle Ranch. *See ATTACHMENT C*. The deed indicated that it conveyed “without limitation, Water Right Nos. 37-481C, 37-577BT, 37-482H, 37-2630 and 37-483C.”

42. On February 28, 2012, Belle Ranch submitted a Notice of Change in Water Right Ownership with IDWR to change the Water Rights ownership records to reflect that Belle Ranch owned the entirety of the water rights. On March 7, 2012, IDWR notified Belle Ranch that the Ownership Change request had been completed and that the records for the Water Rights reflected that Belle Ranch owned the Water Rights, in their entirety. Idaho Code § 42-284(3)

requires that notice of the changed ownership be sent to the original owner, in this case South County Estates, LLC.

43. On March 11, 2012, Belle Ranch and John Stevenson filed an Application for Transfer of Water Rights, seeking to amend certain elements of the Water Rights. In accordance with Idaho Code § 42-222, IDWR published notice of the pending transfer in the Idaho Mountain Express on May 16 and May 23, 2012. The Notice provided that Belle Ranch sought to transfer various water rights, including the Water Rights at issue in this case. The Notice further provided that “any protest against the approval of this” transfer must be filed with IDWR “on or before June 4, 2012.” Notwithstanding receiving Notice of the Transfer in accordance with Idaho law, Defendants did not protest the transfer or make any claim to any interest in the Water Rights. IDWR reviewed and processed the Transfer, approving the transfer and amending the elements of the Water Rights in a July 6, 2012 decision. *See ATTACHMENT D*. Following the Transfer, IDWR records continued to reflect that Belle Ranch owned the entirety of the Water Rights.

44. On October 28, 2014, Defendant FSC submitted a Notice of Change of Ownership with IDWR, seeking to change the ownership records on the 7.5/289th of the Water Rights allegedly conveyed to Scherer and Holt on June 25, 2009. FSC submitted the request without providing any notice to Belle Ranch – even though Belle Ranch was identified as the sole owner of the Water Rights.

45. IDWR processed the ownership change, splitting the Water Rights and creating the following new water rights reflecting the attempted conveyance of 7.5/289th to Scherer and Holt: 37-22915, 37-22916, 37-22917, 37-22918 and 37-22919 (the “Split Water Rights”).

46. On March 17, 2016, Belle Ranch sent a letter to IDWR challenging the ownership change, asserting that the SRBA Decree quieted title in the Water Rights, in their entirety, in

South County Estates, LLC – the owner of the Real Property – and that Belle Ranch, as successor in interest, acquired all of South County Estates, LLC’s interest in the Water Rights.

47. On March 29, 2016, IDWR sent an email to Belle Ranch and FSC stating that it would change the ownership of the Split Water Rights to “South County LLC” and that the parties could “quiet title to the water rights in district court.”

48. On June 15, 2016, Defendant Fosbury IRA submitted a Notice of Change in Water Rights Ownership records on 2/289th of the Water Rights allegedly conveyed to Fosbury IRA on March 17, 2008 and September 18, 2008. Fosbury IRA submitted the request without providing any notice to Belle Ranch – even though Belle Ranch was identified as the owner of the Water Rights.

49. On June 24, 2016, Big Stick submitted a Notice of Change in Water Right Ownership, seeking to change the ownership records on 2.8/289th of the Water Rights allegedly conveyed to Big Stick on December 7, 2007. Big Stick submitted the request without providing any notice to Belle Ranch – even though Belle Ranch was identified as the owner of the Water Rights.

50. On June 24, 2016, Holt IRA submitted a Notice of Change in Water Right Ownership, seeking to change the ownership records on 2.8/289th of the Water Rights allegedly conveyed to Holt IRA on August 8, 2008 and April 8, 2009. Holt IRA submitted the request without providing any notice to Belle Ranch – even though Belle Ranch was identified as the owner of the Water Rights.

51. To date, no Notice of Change in Water Right Ownership has been filed relative to the attempted conveyance of 1/289th of the Water Rights to Holt IRA dated April 28, 2008.

52. In an email dated September 6, 2016 to counsel for Big Stick, Holt IRA and Fosbury IRA, IDWR notified the Defendants that it would not process the ownership change requests absent further instruction from a district court following a quiet title action.

53. Since the 2010 Deed in Lieu to MWB and the subsequent transfers of the Real property and Water Rights to Belle Ranch, none of the Defendants have beneficially used any portion of the Water Rights.

54. Water delivery records prepared by the Watermaster of Water District 37 show that the Water Rights have been delivered to the same headgate, in the same quantity since at least 2009. These reports also show that the Water Rights have been delivered, in their entirety, to Belle Ranch. Belle Ranch has paid all assessments due and owing on the entirety of the Water Rights since it acquired the Real Property.

COUNT ONE
QUIET TITLE TO WATER RIGHTS IN NAME OF BELLE RANCH

55. Plaintiff realleges paragraphs 1 through 53 of the Complaint as though fully set forth herein.

56. Defendants have no legal interest in the Water Rights.

57. On June 17, 2010, South County Estates, LLC conveyed the Real Property, with all appurtenances, including the Water Rights, to MWB.

58. On June 28, 2010, the SRBA Court issued a Recommendation that the Water Rights be decreed, in their entirety, to South County Estates, LLC.

59. On July 9, 2010, the SRBA Court issued an Amended Recommendation, confirming the recommendation that each of the Water Rights be decreed, in their entirety, to South County Estates, LLC.

60. On August 31, 2010, the SRBA Court enter Partial Decrees, formally decreeing the Water Rights, in their entirety, to South County Estates, LLC.

61. None of the Defendants made any effort to challenge the SRBA determinations.

62. MWB submitted an ownership change request to IDWR on July 27 2011, which was processed and acknowledged on September 13, 2011 and resulted in the ownership of the entirety of the Water Rights being changed from South County Estates, LLC to MWB. This was done without objection from South County Estates, LLC or any of the Defendants.

63. Idaho Code § 42-284(3) requires that notice of the ownership change be sent to the original owner (here, South County Estates, LLC). South County Estates did not challenge the ownership of the Water Rights.

64. Belle Ranch acquired the Real Property, including all appurtenances in December, 2011.

65. Plaintiff submitted an ownership change request to IDWR on February 28, 2012, which was processed and acknowledged on March 7, 2012 and resulted in the ownership of the entirety of the Water Rights being changed from MWB to Plaintiff.

66. Plaintiff submitted a transfer application seeking to change elements of the Water Rights.

67. Notwithstanding the issuance of recommendations and a partial decree in the SRBA, multiple ownership changes with IDWR and a transfer filing, Defendants did not challenge the ownership of the Water Rights.

68. Since it acquired the property, Plaintiff has paid all assessments for the Water Rights, the Water Rights have been delivered to the Plaintiff's headgate and Plaintiff has been the sole beneficial user of the Water Rights.

69. Defendants made no claim to any ownership of any portion of the Water Rights until October 28, 2014 (FSC) and June, 2016 (Big Stick, Fosbury IRA and Holt IA).

70. Defendants have not made any attempt to change ownership of the portion of the Water Rights attempted to be conveyed to Holt IRA on April 28, 2008.

71. Pursuant to Idaho Code §§ 6-401, *et seq.*, Plaintiff is entitled to have ownership of the Water Rights quieted in its name.

**COUNT TWO
DECLARATORY RELIEF
(SRBA Decree Quieted Title in South County Estates, LLC)**

72. Plaintiff realleges paragraphs 1 through 70 of the Complaint as though fully set forth herein.

73. Idaho Code § 10-1201 grants this Court jurisdiction to issue a declaratory judgment with the force and effect of a final judgment or decree when the parties' rights, status, and legal relationships need to be established.

74. The SRBA District Court operates pursuant to Idaho Code §§ 42-1401, *et seq.*

75. Pursuant to Idaho Code §§ 42-1411(2) and 42-1412(6), a partial decree must list the "name and address of the claimant" of the water right(s) being adjudicated.

76. A "claimant" is defined as "any person asserting ownership of rights to the use of water within the state of Idaho." I.C. § 42-1401A(1).

77. The Water Rights were claimed in the SRBA District Court, with the claimant identified as South County Estates, LLC.

78. The SRBA District Court entered a partial decree, identifying the claimant as South County Estates, LLC. Belle Ranch is the successor in interest to South County Estates, LLC.

79. No portion of the Water Rights was claimed or decreed in any of the Defendants' names.

80. The Partial Decree is "conclusive as to the nature and extent" of the Water Rights. I.C. § 42-1420(1).

81. None of the Defendants appealed the partial decree's determination of ownership of the Water Rights.

82. Any attempt to now challenge ownership of the Water Rights, based on an attempted conveyance that occurred prior to the entry of the partial decree, constitutes a collateral attack of the SRBA Partial Decree.

**COUNT THREE
DECLARATORY RELIEF
(Ownership Claims Barred by Statute of Limitations)**

83. Plaintiff realleges paragraphs 1 through 81 of the Complaint as though fully set forth herein.

84. The Partial Decrees in the SRBA, which determined ownership in the name of South County Estates, LLC, were issued on August 31, 2010.

85. Defendant, FSC made no claim to ownership in the Water Rights until October 28, 2014. FSC's filing was more than 4-years after entry of the Partial Decrees.

86. Defendant, Fosbury IRA made no claim to ownership in the Water Rights until June 15, 2016. Fosbury IRA's filing was more than 4-years after entry of the Partial Decrees.

87. Defendants, Big Stick and Holt IRA (as to the August 8, 2008 and April 9, 2009 transactions only) made no claim to ownership in the Water Rights until June 24, 2016. These claims were more than 4-years after entry of the Partial Decree.

88. Defendants have not made any formal claim of ownership for any portion of the water rights attempted to be conveyed to Holt IRA on April 28, 2008.

89. Any attempt to challenge the ownership determination of the SRBA partial decrees is barred by the four-year statute of limitations, as provided in Idaho Code § 5-224.

COUNT FOUR
DECLARATORY RELIEF
(IDWR Transfer Proceedings Confirmed that Belle Ranch Owns the Water Rights)

90. Plaintiff realleges paragraphs 1 through 88 of the Complaint as though fully set forth herein.

91. On March 11, 2012, Belle Ranch filed a transfer application to amend certain elements of the Water Rights.

92. IDWR provided notice of the transfer by publishing notice of the pending transfer in the Idaho Mountain Express on May 16 and May 23, 2012 in accordance with Idaho Code § 42-222. The Notice identified Belle Ranch as the applicant and identified the Water Rights as being subject to the transfer application.

93. The Notice further provided that “any protest against the approval of this” transfer must be filed with IDWR “on or before June 4, 2012.”

94. IDWR approved the transfer, entering a final order dated July 6, 2012 and, again, identifying Belle Ranch as the owner of the Water Rights.

95. Notwithstanding receiving Notice of the Transfer in accordance with Idaho law, Defendants did not protest the transfer or make any claim to any interest in the Water Rights.

96. That transfer order is a final agency decision and Defendants cannot now challenge ownership of the Water Rights based on alleged conveyances occurring before the transfer decision.

COUNT FIVE
QUASI-ESTOPPEL / WAIVER

97. Plaintiff realleges paragraphs 1 through 95 of the Complaint as though fully set forth herein.

98. On June 28, 2010, the SRBA Court issued a Recommendation that the Water Rights be decreed, in their entirety, to South County Estates, LLC. South County Estates, LLC received notice of the Recommendation.

99. On July 9, 2010, the SRBA Court issued an Amended Recommendation, confirming the recommendation that each of the Water Rights be decreed, in their entirety, to South County Estates, LLC. South County Estates, LLC received notice of the Amended Recommendation.

100. On August 31, 2010, the SRBA Court enter Partial Decrees, formally decreeing the Water Rights, in their entirety, to South County Estates, LLC. South County Estates, LLC received notice of the Partial Decree.

101. Although South County Estates, LLC received notice of the SRBA process, they did not challenge the Partial Decrees or otherwise make any claim in the SRBA District Court that any interest in the Water Rights had been conveyed.

102. MWB submitted an ownership change request to IDWR on July 27 2011, which was processed and acknowledged on September 13, 2011 and resulted in the ownership of the entirety of the Water Rights being changed from South County Estates, LLC to MWB. Idaho Code § 42-284(3) provides that notice of an ownership change will be sent to the original owner (here, South County Estates, LLC). Yet, there was no challenge to the ownership change or any claim that anyone other than MWB had any interest in the Water Rights.

103. Plaintiff submitted an ownership change request to IDWR on February 28, 2012, which was processed and acknowledged on March 7, 2012 and resulted in the ownership of the entirety of the Water Rights being changed from MWB to Plaintiff. Again, there was no challenge to the ownership change or any claim that anyone other than Belle Ranch had any interest in the Water Rights.

104. Plaintiff filed a transfer of the Water Rights in April, 2012, which was approved by IDWR on July 6, 2012. Again, there was no challenge to the ownership change or any claim that anyone other than Belle Ranch had any interest in the Water Rights.

105. Defendants did not claim any interest in any portion of the Water Rights until October 28, 2014 (FSC) and June, 2016 (Big Stick, Fosbury IRA and Holt IA).

106. Defendants have not made any attempt to change ownership of the portion of the Water Rights attempted to be conveyed to Holt IRA on April 28, 2008.

107. Plaintiff has been the sole entity paying assessments for, diverting and using the Water Rights.

108. Given the lack of any claim of interest in the water rights following the SRBA and administrative proceedings, Plaintiff believed it was the sole owner of the Water Rights.

109. Plaintiff is entitled to a Declaratory Judgement, determining that it is the sole owner of the Water Rights and that any claim by Defendants is barred by quasi-estoppel and/or waiver.

COUNT SIX
ABANDONMENT AND/OR FORFEITURE OF INTEREST IN WATER RIGHTS

110. Plaintiff realleges paragraphs 1 through 108 of the Complaint as though fully set forth herein.

111. None of the Defendants ever challenged the multiple ownership determinations made by the SRBA Court and IDWR.

112. The SRBA District Court partially decreed the entirety of the Water Rights in the name of South County Estates, LLC on August 31, 2010 – more than 12-months after the last attempted conveyance (to Scherer and Holt). No challenge was made to the SRBA Court's determination.

113. Even though South County Estates, LLC received multiple notices that the SRBA Court would partially decree the Water Rights in the Name of South County Estates, LLC, it made no effort to challenge those decisions or claim that any portion of the Water Rights had been conveyed.

114. The Department changed ownership records for the water rights on September 13, 2011 (to MWB) and March 7, 2012 (to Belle Ranch). It also processed a transfer applications – changing elements of the Water Rights including the portions attempted to be conveyed to Defendants. At no time did the Defendants ever challenge the ownership of the Water Rights or the decision to change elements of the Water Rights.

115. Defendants made no effort to beneficially use the Water Rights following the attempted conveyance and have never attempted to sever the Water Rights from the Real Property. Rather, available water delivery records show that the Water Rights have been delivered to, and beneficially used by, Belle Ranch on the Real Property.

116. Defendants did not make any claim ownership of the Water Rights until October 28, 2014 (FSC) and June, 2016 (Big Stick, Fosbury IRA and Holt IA).

117. Defendants' actions have resulted in a forfeiture of any interest they may have had in the Water Rights.

118. Further, Defendants' actions have evidenced an intent to abandon any interest they may have in the Water Rights.

**COUNT SEVEN
IMPLIED TRUST / CONSTRUCTIVE TRUST**

119. Plaintiff realleges paragraphs 1 through 117 of the Complaint as though fully set forth herein.

120. None of the Defendants challenged the multiple determinations by the SRBA Court and IDWR that South County Estates, LLC owned the Water Rights.

121. The SRBA District Court partially decreed the entirety of the Water Rights in the name of South County Estates, LLC on August 31, 2010 – more than 12-months after the last attempted conveyance (to Scherer and Holt). The Defendants did not challenge that determination.

122. IDWR changed ownership records for the water rights on September 13, 2011 (to MWB) and March 7, 2012 (to Belle Ranch). The Defendants did not challenge these ownership changes.

123. IDWR issued notice of pending transfer applications and entered an order changing elements of the Water Rights (including the portions attempted to be conveyed to Defendants). The Defendants did not challenge the transfer application even though they had received notice thereof.

124. Water delivery records show that the Water Rights have been delivered to, and beneficially used by, Belle Ranch and its predecessors. Defendants have never attempted to receive and/or beneficially use any portion of the Water Rights subject to the attempted conveyances.

125. Based on these circumstances, it would be unconscionable for the Defendants to retain any title to the Water Rights.

126. The court should find a constructive trust – that the Defendants were holding the Water Rights as a constructive trustee for the benefit of the constructive beneficiary, Belle Ranch, and should order Defendants to convey any interest they may have in the Water Rights to Belle Ranch.

ATTORNEYS FEES

Plaintiff has been required to retain the services of an attorney to prosecute this action, and is entitled to an award of its reasonable attorney's fees and costs of suit pursuant to Idaho Code §§ 12-120 & 12-121, and other applicable Idaho law.

CLAIM FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment of this Court as follows:

- A. For a Decree from this Court determining that ownership of the Water Rights be quieted and confirmed to Plaintiff, and that Defendants have no right, title or interest in the Water Rights; and
- B. For Declaratory Judgment holding that the SRBA District Court partial decree vested ownership of the Water Rights in the name of South County Estates, LLC, which ownership was subsequently conveyed to Belle Ranch; and
- C. For a Decree holding that Defendants are barred from challenging Belle Ranch's ownership of the entirety of the Water Rights due to quasi-estoppel and/or waiver; and
- D. For a Decree finding that, if they do have any interest in the Water Rights, Defendants have held that portion of the Water Rights in constructive trust for Belle Ranch and

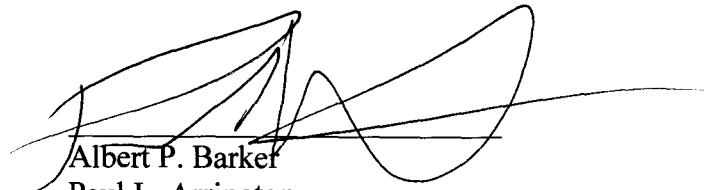
ordering Defendants to convey any portion of the Water Rights to which they have an interest to Belle Ranch; and

E. For a Decree for this Court permanently enjoining Defendants, as well as any and other persons, from asserting any estate, right title, claim, lien or interest in and to the Water Rights; and

F. For such other relief as this Court may deem necessary and appropriate.

DATED this 19th day of December, 2016.


BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Paul L. Arrington
Attorneys for Belle Ranch, LLC

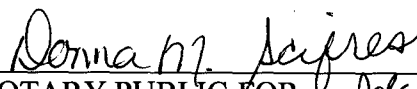
VERIFICATION

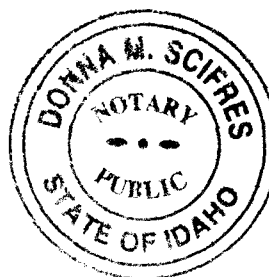
Justin F. Stevenson, being first duly sworn upon oath deposes and states that he is a Member of Belle Ranch, LLC, Plaintiff in the above-titled action; that he has read the within and foregoing document, and that the statements therein contained are true.


By: Justin F. Stevenson, Member

STATE OF IDAHO)
) ss.
County of Blaine)

On this 21 day of December, 2016, before me, a Notary Public for said County and State, personally appeared Justin F. Stevenson, who, being by me first duly sworn, declared that he is a Member of Belle Ranch, LLC, Plaintiff in the foregoing action, that he signed the foregoing document, and that the statements therein contained are true.


NOTARY PUBLIC FOR Idaho
Residing at: Bellevue, Idaho



**VERIFIED COMPLAIN FOR DECLARATORY RELIEF
ATTACHMENT A (Deed in Lieu of Foreclosure)**

Instrument # 578331

HAILEY, BLAINE, IDAHO
06-17-2010 11:50:28 No. of Pages: 3
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$9.00
Ex-Officio Recorder Deputy: rmp
Electronically Recorded by Simplifile

DEED IN LIEU OF FORECLOSURE

FOR VALUE RECEIVED, South County Estates, LLC, an Idaho limited liability company ("Grantor"), PO Box 1539, Ketchum, ID 83340, hereby conveys, releases, remises, and forever quitclaims to MOUNTAIN WEST BANK ("Grantee"), whose address is P. O. Box 1059, Coeur d'Alene, ID 83816; that certain real property, together with all appurtenances, located in Blaine County, Idaho:

TOWNSHIP 1 NORTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

A parcel of land in the SW1/4 and the SW1/4SE1/4 of Section 6 and also in the E1/2NW1/4, NW1/4NE1/4, S1/2NE1/4 and the N1/2SE1/4 of Section 7, more particularly described as follows:

COMMENCING at an iron pin marking the Northwest corner of the SW1/4, said Section 6, which point is also the REAL POINT OF BEGINNING;

Thence South 89°51'45" East, 2,608.44 feet along the Northerly boundary of said SW1/4, Section 6 to an iron pin marking the Northeast corner of said SW1/4, Section 6; Thence South 0°35'18" East, 1,308.31 feet along the Easterly boundary of said SW1/4, Section 6 to an iron pin marking the Northwest corner of the SW1/4SE1/4, said Section 6;

Thence South 89°42'45" East, 1,308.89 feet along the Northerly boundary of said SW1/4SE1/4, Section 6 to an iron pin marking the Northeast corner of said SW1/4SE1/4, Section 6;

Thence South 0°25'10" East, 1,309.70 feet along the Easterly boundary of said SW1/4SE1/4, Section 6 to an iron pin marking the Southeast corner of said SW1/4SE1/4, Section 6;

Thence South 0°17'54" East, 1,313.45 feet along the Easterly boundary of the NW1/4NE1/4, said Section 7 to an iron pin marking the Southeast corner of said NW1/4NE1/4, Section 7;

Thence South 89°47'38" East, 1,303.96 feet along the Northerly boundary of the SE1/4NE1/4, Section 7 to an iron pin marking the Northeast corner of said SE1/4NE1/4, Section 7;

Thence South 0°15'06" East, 1,308.14 feet along the Easterly boundary of said SE1/4NE1/4, Section 7 to a brass cap marking the Southeast corner of said SE1/4NE1/4, Section 7;

Thence South 0°45'30" East, 1,308.60 feet along the Easterly Boundary of the NE1/4SE1/4, Section 7 to an iron pin marking the Southeast corner of said NE1/4SE1/4, Section 7;

Thence South 89°50'53" West, 1,601.23 feet along the Southerly boundary of the N1/2SE1/4, Section 7, to an iron pin on the intersection of the Southerly boundary with the Northeasterly boundary of the Union Pacific Railroad;

Thence North 31°10'34" West, 1,533.07 feet along said Northeasterly Railroad boundary to an iron pin on the intersection of said Railroad boundary with the Southerly boundary of the S1/2NE1/4, said Section 7;

Thence South 89°58'26" West, 58.42 feet along said Railroad boundary and also along said Southerly boundary of the S1/2NE1/4, Section 7 to an iron pin;

Thence North 31°10'34" West, 331.26 feet along said Railroad boundary to an iron pin on the intersection of said Railroad boundary with the Westerly boundary of said S1/2NE1/4, Section 7; Thence North 0°20'40" West, 97.56 feet along said Westerly

DEED IN LIEU OF FORECLOSURE: 1

L:\MOUNTAIN\005579\00497\MCWBSOCOUNTY\DEED-061218.DOCX6/14/10 / 7:02 AM

boundary of the S1/2NE1/4, Section 7 and also along said Railroad boundary to an iron pin;
Thence North 31°10'34" West, 2,570.24 feet along said Railroad boundary to an iron pin on the intersection of said Railroad boundary with the Westerly boundary of the NE1/4NW1/4, Section 7; Thence North 0°22'13" West, 58.00 feet along said Westerly boundary of the NE1/4NW1/4, Section 7 to an iron pin marking the Northwest corner of said NE1/4NW1/4, Section 7;
Thence North 89°58' 18" West, 93.18 feet along the Southerly boundary of the SW1/4, Section 6 to an iron pin on the Northeasterly boundary of the said Union Pacific Railroad; Thence North 31°10'34" West, 2,353.23 feet along said Railroad boundary to an iron pin on the Westerly boundary of said SW1/4, Section 6;
Thence North 0°37'05" West, 604.70 feet along said Westerly boundary of the SW1/4, Section 6 to the TRUE POINT OF BEGINNING.

Parcel 1 and Parcel 2, Block 1 of BELLE RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 563443, Records of Blaine County, Idaho; excepting that portion formally shown on the Blaine County Assessor rolls as Tax Lot 4913 Township 1 North, Range 19 East, Boise Meridian, Blaine County, Idaho;

Included with the real property conveyed to Grantee: all erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights), and all other rights, royalties, and profits relating to the conveyed real property, including without limitation all minerals, oil, gas, geothermal and similar matters, collective; including any after-acquired title and any right of redemption;

TO HAVE AND TO HOLD the said property, with its appurtenances unto the Grantee and its successors and assigns forever. Grantor hereby covenant to and with the said Grantee that Grantor is the owner in fee simple of said property and that such property is free from all encumbrances other than encumbrances of record as of this date and that Grantor warrants the same from all lawful claims whatsoever. Any merger of title is at the option of the Grantee.

Dated:

South County Estates, LLC, an Idaho
limited liability company

By: 

John Scherer, Member

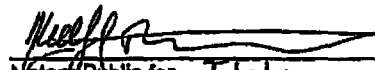
DEED IN LIEU OF FORECLOSURE: 2

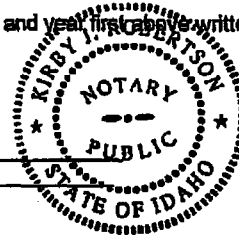
L:\MOUNTAIN\005579\00497\MWSOCOUNTY\DEED-061210.DOCX6/14/10 / 7:02 AM

STATE OF IDAHO)
).ss
County of Blaine)

On this 17 day of June, 2010, before me, the undersigned Notary Public, personally appeared John Scherer, known to me or identified to me to be the Member of South County Estates, LLC, that executed this instrument or the person who executed the instrument on behalf of said Corporation and acknowledged to me that such Corporation executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.


Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 04/28/2016



DEED IN LIEU OF FORECLOSURE: 3
L:\MOUNTAIN\1005579\00497\MWBSOCOUNTY\DEED-061210.DOCX6/14/16 / 7:02 AM

**VERIFIED COMPLAIN FOR DECLARATORY RELIEF
ATTACHMENT B (SRBA Partial Decrees)**

RECEIVED
SEP 01 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 2010	
By _____	Clerk _____
Deputy Clerk _____	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS


In Re SRBA	)	ORDER OF PARTIAL DECREES
)	
Case No. 39576	)	Subcase Nos.: 37-00481C, 37-00482H,
	)	37-00483C, 37-00577BT & 37-02630
	)	(South Country Estates LLC)

On July 9, 2010, an *Amended Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Amended Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Amended Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

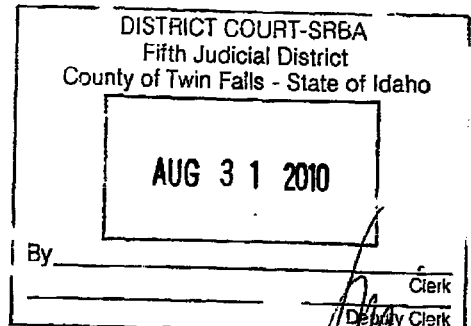
DATED August 31, 2010



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-00481C



NAME AND ADDRESS: SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.014 CFS

PRIORITY DATE: 08/01/1882

POINT OF DIVERSION: T02N R18E S36 SWNW Within Blaine County

Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.014 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S06	NESW 24.0 LOT 6 (NWSW) 33.0
	LOT 7	(SWSW) 12.0 SESW 39.0
		SWSE 8.5
	S07	NWNE 31.0 SWNE 38.0
		SENE 15.0 NENW 28.0
		SENW 5.5 NESE 35.0
		NWSE 20.0
	289.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00482H

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 31 2010

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340

SOURCE:

BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY:

3.012 CFS

PRIORITY DATE:

08/01/1884

POINT OF DIVERSION:

T02N R18E S36 SWNW Within Blaine County

Water diverted from Headgate #45 delivered through District
Canal.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
3.012 CFS

PLACE OF USE:

Irrigation

Within Blaine County

T01N R19E S06	NESW 24.0	LOT 6	(NWSW)33.0
LOT 7	(SWSW)12.0		SESW 39.0
	SWSE 8.5		
S07	NWNE 31.0		SWNE 38.0
	SENE 15.0		NENW 28.0
	SENW 5.5		NESE 35.0
	NWSE 20.0		

289.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 289 acres in a single irrigation season.
Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and
37-2630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

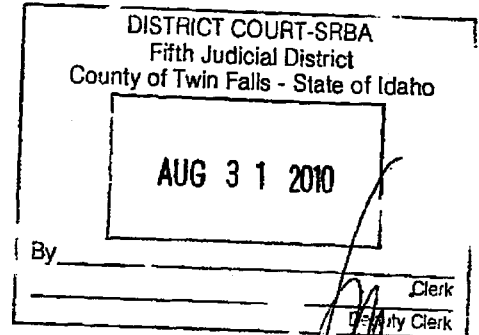
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00483C



NAME AND ADDRESS: SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 15.086 CFS

PRIORITY DATE: 08/01/1902

POINT OF DIVERSION: T02N R18E S36 SWNW Within Blaine County

Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	15.086 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S06	LOT 6 (NWSW) 33.0
	LOT 7 (SWSW) 12.0	SESW 39.0
		SWSE 8.5
	S07	NWNE 31.0
		SWNE 38.0
		SENE 15.0
		NENW 28.0
		SESW 5.5
		NESE 35.0
		NWSE 20.0
	289.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

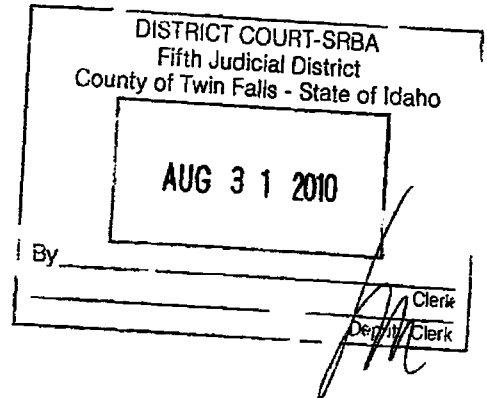
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Widman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00577BT



NAME AND ADDRESS: SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.20 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S36 SWNW Within Blaine County

Water diverted from Headgate #45 delivered through District
Canal.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S06	NESW 24.0 LOT 6 (NWSW) 33.0
	LOT 7	(SWSW) 12.0 SESW 39.0
		SWSE 8.5
	S07	NWNE 31.0 SWNE 38.0
		SENE 15.0 NENW 28.0
		SENE 5.5 NESE 35.0
		NWSE 20.0
	289.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 289 acres in a single irrigation season.
Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and
37-2630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02630

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 31 2010

By

Clerk
Deputy Clerk

NAME AND ADDRESS: SOUTH COUNTY ESTATES LLC
PO BOX 1539
KETCHUM, ID 83340

SOURCE: GROUND WATER

QUANTITY: 3.75 CFS
1011.50 AFY

PRIORITY DATE: 02/02/1960

POINT OF DIVERSION: T01N R19E S06 NWNWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.75 CFS 1011.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S06	LOT 6 (NWSW) 33.0
	LOT 7 (SWSW) 12.0	SESW 39.0
	SWSE 8.5	
	S07 NWNW 31.0	SWNE 38.0
	SENE 15.0	NENW 28.0
	SENE 5.5	NESE 35.0
	NWSE 20.0	
	289.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 289 acres in a single irrigation season. Combined Right Nos.: 37-482H, 37-481C, 37-483C, 37-577BT, and 37-2630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on August 31, 2010, with sufficient first-class postage to the following:

SOUTH COUNTY ESTATES LLC

Represented by:

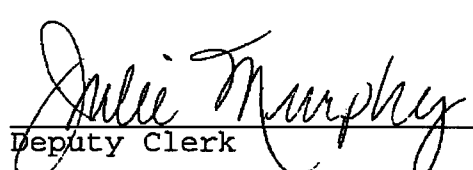
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 8/31/10

FILE COPY FOR 01370


Deputy Clerk

**VERIFIED COMPLAIN FOR DECLARATORY RELIEF
ATTACHMENT C (Quitclaim Deed)**



Instrument # 593254

HAILEY, BLAINE, IDAHO
12-22-2011 4:08:00 PM No. of Pages: 2
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy mpp
Electronically Recorded by Simplifile

QUITCLAIM DEED

THIS INDENTURE, made this 21st day of December, 2011, between

Mountain West Bank, as GRANTOR and

Belle Ranch, LLC, an Idaho Limited Liability Company, as GRANTEE(S)

whose current address is: PO Box 3322, Hailey, ID 83333

WITNESS, that said Grantor(s), for an in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee(s) and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to wit:

Any and all water rights appurtenant to the real property described in Exhibit "A", including without limitation, Water Right Nos. 37-481C, 37-577BT, 37-482H, 37-2630 and 37-483C.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.


Mountain West Bank

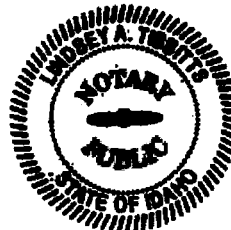

BY: Rich Brittain, S.V.P.

STATE OF Idaho)
COUNTY OF Kootenai) ss.

On this 21st day of December, 2011 before me, the undersigned, a Notary Public, in and for said State, personally appeared Rich Brittain, known or identified to me to be the Senior Vice President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public
Notary Resides: Rothdram, ID
My commission expires: 2/24/2016



**Exhibit A
LEGAL DESCRIPTION**

Order No.: 21117502

Parcel 1 and Parcel 2, Block 1 of BELLE RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 563443, Records of Blaine County, Idaho.

EXCEPTING a portion of said Parcel 1 more particularly described as follows: COMMENCING at an iron pin marking the North $\frac{1}{4}$ Corner of Section 7 Township 1 North, Range 19 East, Boise Meridian, Blaine County, Idaho; thence North $89^{\circ}58'18''$ West, 1,317.24 feet along the Northerly boundary of the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 7, to an iron pin marking the Northwest corner of said E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 7, said pin also being the REAL POINT OF BEGINNING; Thence continuing North $89^{\circ}58'18''$ West, 34.73 feet along the Northerly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 7, to an iron pin on the intersection of the Northeasterly boundary of the Union Pacific Railroad and said Northerly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 7; Thence South $31^{\circ}10'34''$ East, 67.81 feet along said Northeasterly Railroad boundary to an iron pin on the intersection of said Northeasterly Railroad boundary and the Westerly boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 7; Thence North $0^{\circ}22'13''$ West, 58.00 feet along said Westerly boundary of the E $\frac{1}{2}$ NW $\frac{1}{4}$ to the Point of Beginning. (Tax Lot 4913)

**VERIFIED COMPLAIN FOR DECLARATORY RELIEF
ATTACHMENT D (Transfer Of Water Right No. 77878)**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77878

This is to certify that: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333
 (208) 788-3978

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-7391	WR/Decreed	10/28/1974	3 cfs	456 af		152.0	GROUND WATER
37-117	WR/Decreed	05/01/1902	6 cfs	N/A		698.0	BIG WOOD RIVER
37-418C	WR/Decreed	06/23/1888	0.88 cfs	N/A		159.0	BIG WOOD RIVER
37-419C	WR/Decreed	08/02/1889	0.46 cfs	N/A		159.0	BIG WOOD RIVER
37-481C	WR/Decreed	08/01/1882	3.014 cfs	N/A	289.0	289.0	BIG WOOD RIVER
37-482H	WR/Decreed	08/01/1884	3.012 cfs	N/A	289.0	289.0	BIG WOOD RIVER
37-483C	WR/Decreed	08/01/1902	15.086 cfs	N/A	289.0	289.0	BIG WOOD RIVER
37-501D	WR/Decreed	05/01/1886	0.8 cfs	N/A		698.0	BIG WOOD RIVER
37-577BT	WR/Decreed	03/24/1883	2.2 cfs	N/A	289.0	289.0	BIG WOOD RIVER
37-664B	WR/Decreed	07/10/1884	0.4 cfs	N/A		1,171.0	BIG WOOD RIVER
37-665I	WR/Decreed	10/15/1884	2.4 cfs	N/A		1,171.0	BIG WOOD RIVER
37-666G	WR/Decreed	06/12/1886	3.2 cfs	N/A		1,171.0	BIG WOOD RIVER
37-667L	WR/Decreed	06/15/1891	7.2 cfs	N/A		1,171.0	BIG WOOD RIVER
37-2630	WR/Decreed	02/02/1960	3.75 cfs	1011.5 af	289.0	289.0	GROUND WATER
37-7658B	WR/Decreed	09/20/1977	6.04 cfs	906 af		302.0	GROUND WATER
37-7856	WR/Decreed	10/18/1980	1.58 cfs	237 af		79.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated/Acres Reduced)

37-8117	WR/License	06/02/1983	1.24 cfs	N/A	77.0		GROUND WATER
37-115G	WR/Decreed	06/12/1886	8.8 cfs	N/A	480.0	933.0	BIG WOOD RIVER
37-158D	WR/Decreed	07/01/1881	1 cfs	N/A		40.0	BIG WOOD RIVER
37-577AP	WR/Decreed	03/24/1883	1.53 cfs	N/A	31.1	698.0	BIG WOOD RIVER
37-597A	WR/Decreed	05/01/1886	1.6 cfs	N/A		77.0	BIG WOOD RIVER
37-666H	WR/Decreed	06/12/1886	0.79 cfs	N/A	560.0	1,171.0	BIG WOOD RIVER
37-667M	WR/Decreed	06/15/1891	1.59 cfs	N/A		1,171.0	BIG WOOD RIVER
37-886D	WR/Decreed	06/01/1884	0.12 cfs	N/A	3.0	40.0	BIG WOOD RIVER
37-2656	WR/Decreed	04/27/1961	3.02 cfs	453 af	151.0	159.0	GROUND WATER
37-7645	WR/Decreed	08/08/1977	3 cfs	474 af		158.0	GROUND WATER
37-8196	WR/Decreed	10/29/1984	1.83 cfs	532 af		152.0	GROUND WATER

SUPPORT DATA

IN FILE # 37-117

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77878

<u>Purpose of Transfer (Changes Proposed)</u>						
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-7391	YES	NO	YES	NO	NO	NO
37-117	YES	NO	YES	NO	NO	NO
37-418C	YES	NO	YES	NO	NO	NO
37-419C	YES	NO	YES	NO	NO	NO
37-481C	NO	NO	YES	NO	NO	NO
37-482H	NO	NO	YES	NO	NO	NO
37-483C	NO	NO	YES	NO	NO	NO
37-501D	YES	NO	YES	NO	NO	NO
37-577BT	NO	NO	YES	NO	NO	NO
37-664B	YES	NO	YES	NO	NO	NO
37-665I	YES	NO	YES	NO	NO	NO
37-666G	YES	NO	YES	NO	NO	NO
37-667L	YES	NO	YES	NO	NO	NO
37-2630	NO	NO	YES	NO	NO	NO
37-7658B	YES	NO	YES	NO	NO	NO
37-7856	YES	NO	YES	NO	NO	NO

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

TRANSFER OF WATER RIGHT

TRANSFER NO. 77878

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-7391	37-22737	0.12 cfs	18 af	6.0	380.0	37-22736	2.88 cfs	438 af	146.0	146.0
37-117	37-22721	0.13 cfs	N/A	14.7	380.0	37-22720	5.87 cfs	N/A	683.3	683.3
37-418C	37-22723	0.04 cfs	N/A	7.0	380.0	37-22722	0.84 cfs	N/A	152.0	152.0
37-419C	37-22725	0.02 cfs	N/A	7.0	380.0	37-22724	0.44 cfs	N/A	152.0	152.0
37-481C	37-481C	3.01 cfs	N/A	289.0	380.0		N/A	N/A		N/A
37-482H	37-482H	3.01 cfs	N/A	289.0	380.0		N/A	N/A		N/A
37-483C	37-483C	15.09 cfs	N/A	289.0	380.0		N/A	N/A		N/A
37-501D	37-22727	0.02 cfs	N/A	14.7	380.0	37-22726	0.78 cfs	N/A	683.3	683.3
37-577BT	37-577BT	2.2 cfs	N/A	289.0	380.0		N/A	N/A		N/A
37-664B	37-22729	0.01 cfs	N/A	14.7	380.0	37-22728	0.39 cfs	N/A	1,156.3	1,156.3
37-665I	37-22731	0.03 cfs	N/A	14.7	380.0	37-22730	2.37 cfs	N/A	1,156.3	1,156.3
37-666G	37-22733	0.04 cfs	N/A	14.7	380.0	37-22732	3.16 cfs	N/A	1,156.3	1,156.3
37-667L	37-22735	0.09 cfs	N/A	14.7	380.0	37-22734	7.11 cfs	N/A	1,156.3	1,156.3
37-2630	37-2630	3.75 cfs	1011.5 af	289.0	380.0		N/A	N/A		N/A
37-7658B	37-22739	0.13 cfs	21 af	6.7	380.0	37-22738	5.91 cfs	885 af	295.3	295.3
37-7856	37-22741	0.02 cfs	3 af	1.0	380.0	37-22740	1.56 cfs	234 af	78.0	78.0
COMBINED										
TOTALS		27.71 cfs		309.7	380		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22720
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22720 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: May 01, 1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

5.87 CFS

5.87 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L 4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L 1	L 2				L 3	L 4					
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L 1	L 2										

Total Acres: 683.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. This right is a split from former right 37-117.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-22721
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22721 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: May 01, 1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.13 CFS
			0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L 6	L 7							
01N 19E 7	40.0	39.0	39.0	28.0			6.0						40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22721
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-117.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22722
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22722 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 23, 1888

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

0.84 CFS

0.84 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N 19E 19											40.0	40.0					80.0
											L 4						
01N 19E 30					36.0	36.0											72.0
					L 1												

Total Acres: 152

CONDITIONS OF APPROVAL

1. Rights 37-22722, 37-22724, and 27-2656 when combined shall not exceed the irrigation of 152 acres.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 37-418C.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-22723
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22723 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 23, 1888

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.04 CFS
			0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	6									39.0	35.0	14.0	40.0			39.0		167.0
											L 6	L 7							
01N	19E	7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

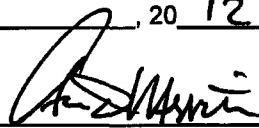
WATER RIGHT NO. 37-22723
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Right Nos. 37-22723 and 37-22725 are limited to the irrigation of a combined total of 7 acres in a single irrigation season.
2. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
3. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Water diverted from Headgate #45 delivered through District Canal.
7. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. This right is a split from former right 37-418C.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 37-22724
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22724 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: August 02, 1889

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.44 CFS
			0.44 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N 19E 19											40.0	40.0					80.0
											L 4						
01N 19E 30					36.0	36.0											72.0
						L 1											

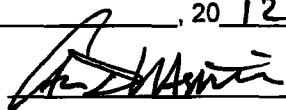
Total Acres: 152

CONDITIONS OF APPROVAL

1. Rights 37-22722, 37-22724, and 27-2656 when combined shall not exceed the irrigation of 152 acres.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 37-419C.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-22725
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22725 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: August 02, 1889

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	6									39.0	35.0	14.0	40.0			39.0		167.0
												L 6	L 7						
01N	19E	7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

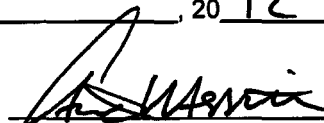
WATER RIGHT NO. 37-22725
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Right Nos. 37-22723 and 37-22725 are limited to the irrigation of a combined total of 7 acres in a single irrigation season.
2. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
3. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Water diverted from Headgate #45 delivered through District Canal.
7. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. This right is a split from former right 37-419C.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22726
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22726 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: May 01, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.78 CFS
			0.78 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L1	L2				L3	L4					
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										

Total Acres: 683.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 37-501D.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-22727
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22727 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: May 01, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L6	L7							
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22727
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-501D.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-22728
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22728 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: July 10, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.39 CFS
			0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
01N 19E 31	38.0	38.0	36.0	36.0	40.0	L1	L2	40.0		L1	L3	L4					295.3
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

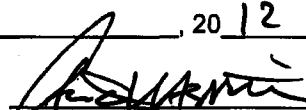
Total Acres: 1156.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 37-664B.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-22729
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22729 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: July 10, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.01 CFS
			0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L 6	L 7							
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22729
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-664B.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-22730
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22730 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 15, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	2.37 CFS
			2.37 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

Total Acres: 1156.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 37-6651.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-22731
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22731 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 15, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.03 CFS
			0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L6	L7							
01N 19E 7	40.0	39.0	39.0	28.0				6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22731
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-6651.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 37-22732
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22732 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 12, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	3.16 CFS
			3.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L1	L2			L1	L3	L4					
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

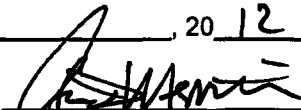
Total Acres: 1156.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 37-666G.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-22733
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22733 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 12, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.04 CFS
			0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22733
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-666G.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22734
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22734 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 15, 1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	7.11 CFS
			7.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
01N 19E 31	36.0	36.0	36.0	36.0	40.0	L1	L2	40.0		L1	L3	L4					295.3
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

Total Acres: 1156.3

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 37-667L.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-22735
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22735 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 15, 1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.09 CFS
			0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L 6	L 7							
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-22735
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is a split from former right 37-667L.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-22736
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22736 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 28, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.88 CFS	438.0 AF
			2.88 CFS	438.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 30 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30	38.0	38.0	38.0	32.0													146.0

Total Acres: 146

CONDITIONS OF APPROVAL

1. Rights 37-8117, 37-8196, and 37-22736 when combined, from the same point of diversion, shall not exceed a total diversion rate of 4.78 cfs.
2. This right is a split from former right 37-7391.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-22737
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22737 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 28, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.12 CFS	18.0 AF
		0.12 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (NWNWSW) Sec. 6 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6 acres within the authorized place of use in a single irrigation season.
2. Rights 37-2630, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 1053.5 af at the field headgate and the irrigation of 309.7 acres.
3. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 37-22737
As Modified by Transfer No. 77878

6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. This right is a split from former right 37-7391.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22738
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22738 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: September 20, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.91 CFS	885.0 AF
			5.91 CFS	885.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NESWSW) Sec. 19 Twp 01N Rge 19E BLAINE County

GROUND WATER SWSESW Sec. 19 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										

Total Acres: 295.3

WATER RIGHT NO. 37-22738
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-2656, 37-7645, 37-22738, and 37-22740 when combined shall not exceed a total diversion rate of 11.81 cfs.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres..
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
6. This right is a split from former right 37-7658B.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22739
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22739 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: September 20, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.13 CFS	21.0 AF
		0.13 CFS	21.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (NWNWSW) Sec. 6 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0					167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.7 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
3. Rights 37-2630, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 1053.5 af at the field headgate and the irrigation of 309.7 acres.
4. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 37-22739
As Modified by Transfer No. 77878

7. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. This right is a split from former right 37-7658B.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-22740

As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22740 is now described as follows.

Right Holder: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

Priority Date: October 18, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.56 CFS	234.0 AF
			1.56 CFS	234.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NESWSW) Sec. 19 Twp 01N Rge 19E BLAINE County

GROUND WATER SWSESW Sec. 19 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30							39.0	39.0									78.0
							L 2										

Total Acres: 78

WATER RIGHT NO. 37-22740
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-2656, 377645, 37-22738, and 37-22740 when combined shall not exceed a total diversion rate of 11.81 cfs.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
6. This right is a split from former right 37-7856.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12



Southern Region Manager

WATER RIGHT NO. 37-22741
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-22741 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 18, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.02 CFS	3.0 AF
			0.02 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (NWNWSW) Sec. 6 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.0 acre within the authorized place of use in a single irrigation season.
2. Rights 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22739, and 37-22741 when combined shall not exceed the irrigation of 14.7 acres.
3. Rights 37-2630, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 1053.5 af at the field headgate and the irrigation of 309.7 acres.
4. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 37-22741
As Modified by Transfer No. 77878

7. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. This right is a split from former right 37-7856.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-481C
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-481C is now described as follows.

Right Holder: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333

Priority Date: August 01, 1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	3.01 CFS
			3.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0				39.0	167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-481C
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 when combined shall not exceed the irrigation of 289 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-482H
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-482H is now described as follows.

Right Holder: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333

Priority Date: August 01, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	3.01 CFS
			3.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L 6	L 7							
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-482H
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-418C, 37-482C, 37-483C, 37-577BT, and 37-2630 when combined shall not exceed the irrigation of 289 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-483C
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-483C is now described as follows.

Right Holder: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333

Priority Date: August 01, 1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

15.09 CFS

15.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
										L 6	L 7						
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

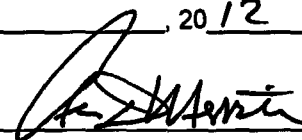
WATER RIGHT NO. 37-483C
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-418C, 37-482C, 37-483C, 37-577BT, and 37-2630 when combined shall not exceed the irrigation of 289 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 37-577BT
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-577BT is now described as follows.

Right Holder: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

2.20 CFS

2.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
									L 6	L 7							
01N 19E 7		40.0	39.0	39.0	28.0			6.0					40.0	21.0			213.0

Total Acres: 380

WATER RIGHT NO. 37-577BT
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 when combined shall not exceed the irrigation of 289 acres.
2. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water diverted from Headgate #45 delivered through District Canal.
6. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-2630
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-2630 is now described as follows.

Right Holder: BELLE RANCH LLC
 PO BOX 3322
 HAILEY ID 83333

Priority Date: February 02, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.75 CFS	1,011.5 AF
			3.75 CFS	1,011.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (NWNWSW) Sec. 6 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 6									39.0	35.0	14.0	40.0			39.0		167.0
										L6	L7						
01N 19E 7	40.0	39.0	39.0	28.0				6.0					40.0	21.0			213.0

Total Acres: 380

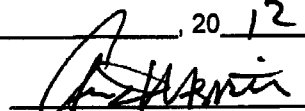
WATER RIGHT NO. 37-2630
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 when combined shall not exceed the irrigation of 289 acres.
2. Rights 37-2630, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 4.02 cfs, a total annual maximum diversion volume of 1053.5 af at the field headgate and the irrigation of 309.7 acres.
3. Rights 37-481C, 37-482H, 37-483C, 37-577BT, 37-2630, 37-22721, 37-22723, 37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735, 37-22737, 37-22739, and 37-22741 when combined shall not exceed a total diversion rate of 27.71 cfs and the irrigation of 309.7 acres.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. The rights in Transfer 77878 are limited to the irrigation of a specific 309.7 acres within the 380 acre place of use authorized by this right in a single irrigation season. The specific 309.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 309.7 acres to be irrigated within the 380 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 37-666H
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-666H is now described as follows.

Right Holder: WILLIAM BOZZUTO TRUSTEE
 C/O JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 12, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.79 CFS
			0.79 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L1	L2				L1	L3	L4				
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

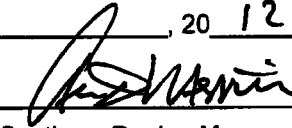
Total Acres: 1156.3

CONDITIONS OF APPROVAL

- Right Nos. 37-666H and 37-667M are limited to the irrigation of 560 acres within the place of use described above in a single irrigation season.
- Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
- This right is a split from former right 37-666A.
- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-115G
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-115G is now described as follows.

Right Holder: WILLIAM BOZZUTO TRUSTEE
 C/O JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 12, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	8.80 CFS
			8.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30									40.0	39.0	39.0	40.0					158.0
										L3	L4						
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

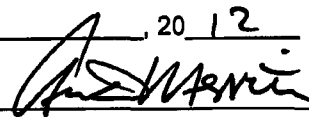
Total Acres: 926.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 480 acres within the place of use described above in a single irrigation season.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. This right is a combination of old Right Nos. 37-115G and 37-115H.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12



Southern Region Manager

WATER RIGHT NO. 37-577AP
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-577AP is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MITIGATION	04/15 to	10/31	0.10 CFS
IRRIGATION	04/15 to	10/31	1.43 CFS
			1.53 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L 4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L 1	L 2				L 3	L 4					
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L 1	L 2										

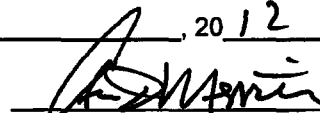
Total Acres: 683.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 31.1 acres within the place of use described above in a single irrigation season.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-2656
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-2656 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: April 27, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.02 CFS	453.0 AF
			3.02 CFS	453.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NESWSW) Sec. 19 Twp 01N Rge 19E BLAINE County

GROUND WATER SWSESW Sec. 19 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L 4						
01N 19E 30					36.0	36.0											72.0
						L 1											

Total Acres: 152

WATER RIGHT NO. 37-2656
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 151 acres within the place of use described above in a single irrigation season.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. Rights 37-22722, 37-22724, and 27-2656 when combined shall not exceed the irrigation of 152 acres.
4. Rights 37-2656, 37-7645, 37-22738, and 37-22740 when combined shall not exceed a total diversion rate of 11.81 cfs.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 37-667M
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-667M is now described as follows.

Right Holder: WILLIAM BOZZUTO TRUSTEE
 C/O JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 15, 1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	1.59 CFS
			1.59 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 19											40.0	40.0					80.0
											L4						
01N 19E 30					36.0	36.0	39.0	39.0	40.0	39.0	39.0	40.0					308.0
						L1	L2			L1	L3	L4					
01N 19E 31	36.0	36.0	36.0	36.0	40.0	39.0	32.3	40.0									295.3
						L1	L2										
01N 19E 32	38.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0					40.0	40.0	38.0	39.0	473.0

Total Acres: 1156.3

CONDITIONS OF APPROVAL

- Right Nos. 37-666H and 37-667M are limited to the irrigation of 560 acres within the place of use described above in a single irrigation season.
- Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
- This right is a split from former right 37-667E.
- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-886D
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-886D is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 01, 1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.12 CFS
			0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30												40.0					40.0

Total Acres: 40

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012


 Southern Region Manager

WATER RIGHT NO. 37-597A
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-597A is now described as follows.

Right Holder: WILLIAM BOZZUTO TRUSTEE
 C/O JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: May 01, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	1.60 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	32															38.0	39.0	77.0

Total Acres: 77

CONDITIONS OF APPROVAL

1. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-158D
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-158D is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: July 01, 1881

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER L3 (NESWNW) Sec. 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
01N 19E 30	NE | NW | SW | SE	NE | NW | SW | SE	NE | NW | SW | SE	NE | NW | SW | SE	40.0
					40.0

Total Acres: 40

CONDITIONS OF APPROVAL

- The portion of Right 37-158D used for conveyance losses is 0.06 cfs.
- Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12


 Southern Region Manager

WATER RIGHT NO. 37-7645
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-7645 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: August 08, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.00 CFS	474.0 AF
			3.00 CFS	474.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NESWSW) Sec. 19 Twp 01N Rge 19E BLAINE County

GROUND WATER SWSESW Sec. 19 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30									40.0	39.0	39.0	40.0					158.0
										L 3	L 4						

Total Acres: 158

WATER RIGHT NO. 37-7645
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-2656, 37-7645, 37-22738, and 37-22740 when combined shall not exceed a total diversion rate of 11.81 cfs.
2. Rights 37-115G, 37-158D, 37-577AP, 37-597A, 37-666H, 37-667M, 37-886D, 37-2656, 37-7645, 37-22720, 37-22722, 37-22724, 37-22726, 37-22728, 37-22730, 37-22732, 37-22734, 37-22738, and 37-22740 when combined shall not exceed the irrigation of 1156.3 acres.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 20 12



Southern Region Manager

WATER RIGHT NO. 37-8117
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-8117 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: June 02, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/15	1.24 CFS
			1.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 30 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 19E 19															39.0	38.0	77.0

Total Acres: 77

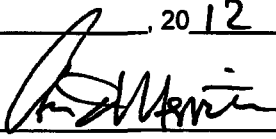
WATER RIGHT NO. 37-8117
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-8117, 37-8196, and 37-22736 use the same well and when combined shall not exceed a total diversion rate of 4.78 cfs.
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed an annual diversion volume of 269.5 af for the lands above.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 37-8196
As Modified by Transfer No. 77878

In accordance with the approval of Transfer No. 77878, Water Right No. 37-8196 is now described as follows.

Right Holder: JOHN F STEVENSON
 36 HILLSIDE RANCH RD
 BELLEVUE ID 83313

Priority Date: October 29, 1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	1.83 CFS	532.0 AF
			1.83 CFS	532.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 30 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 30													32.0	38.0	38.0	38.0	146.0
01N 19E 31	6.0																6.0

Total Acres: 152

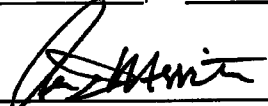
WATER RIGHT NO. 37-8196
As Modified by Transfer No. 77878

CONDITIONS OF APPROVAL

1. Rights 37-833F and 37-8196 when combined shall not exceed the irrigation of 152 acres.
2. This right when combined with 37-22736 and 37-8117, from the same point of diversion, is limited to a total combined diversion rate of 4.78 cfs.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 6/15/2010, the date of the SRBA partial decree date.
9. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of July, 2012



Southern Region Manager

State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-2630, 37-22737, 37-22739, 37-22741

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.225 0.45 0.9 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-481C, 37-482H, 37-483C, 37-577BT, 37-22721, 37-22723
37-22725, 37-22727, 37-22729, 37-22731, 37-22733, 37-22735

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.45 0.9 1.8 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



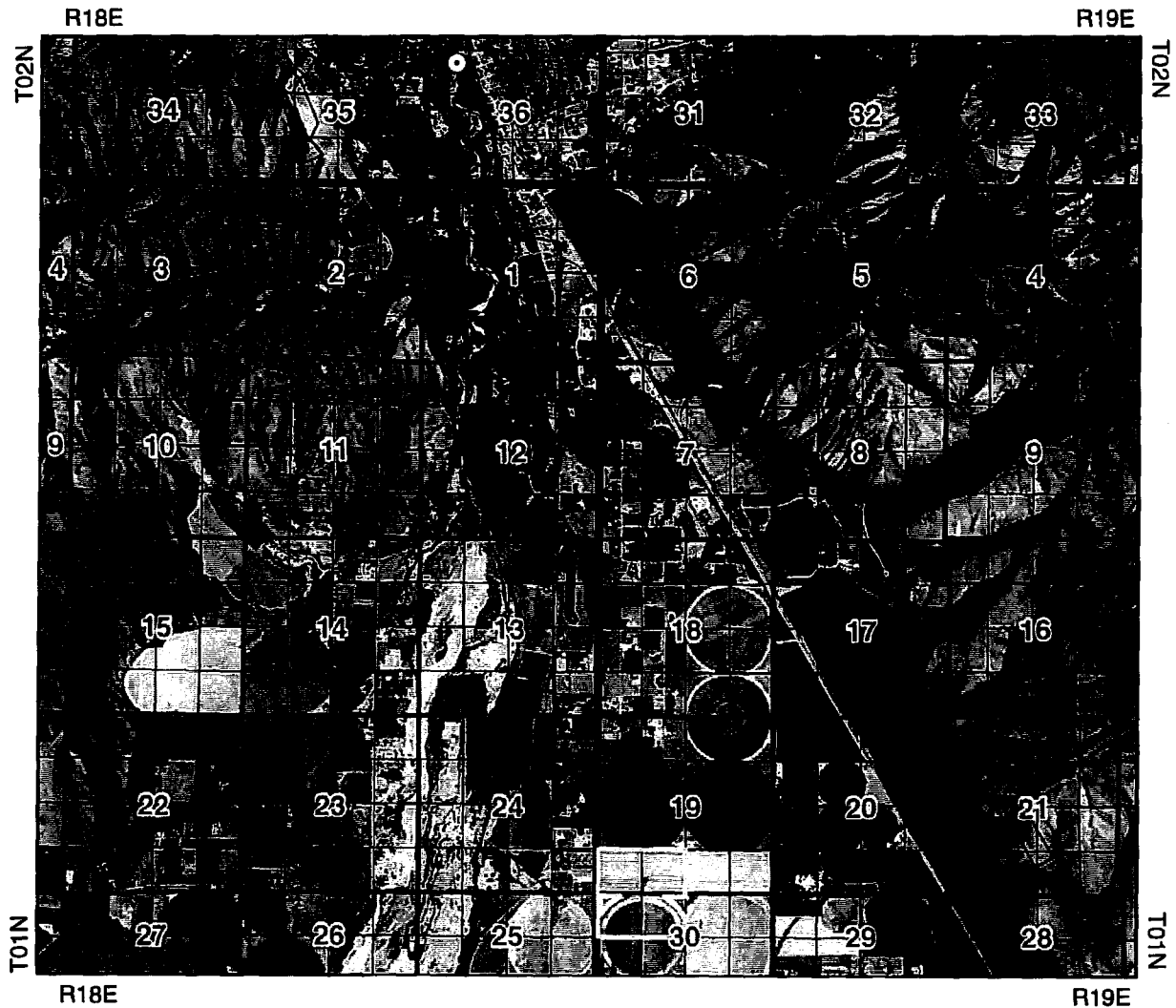
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-22722, 37-22724

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.5 1 2 Miles

- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

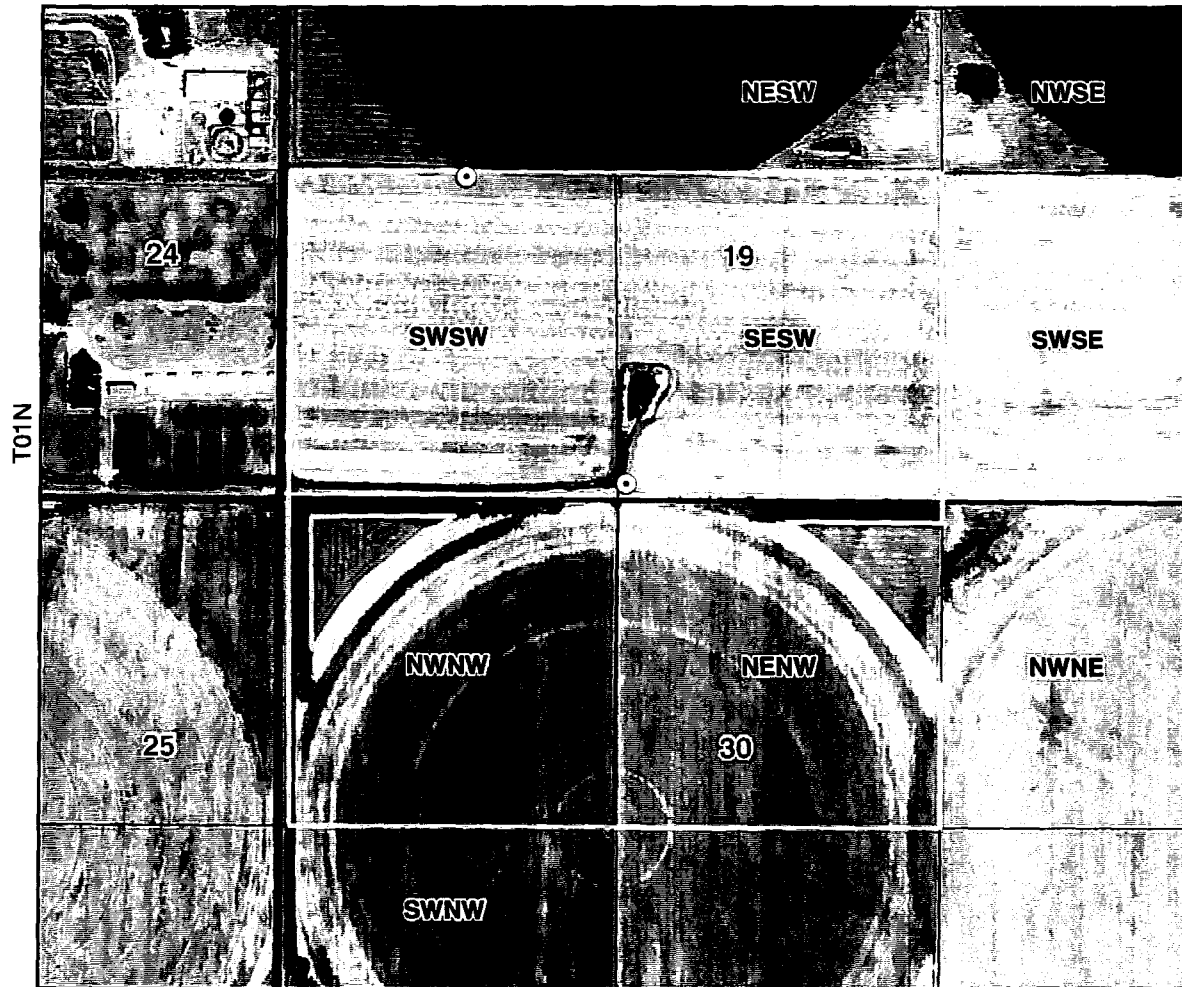
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-2656

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.075 0.15 0.3 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



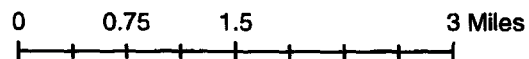
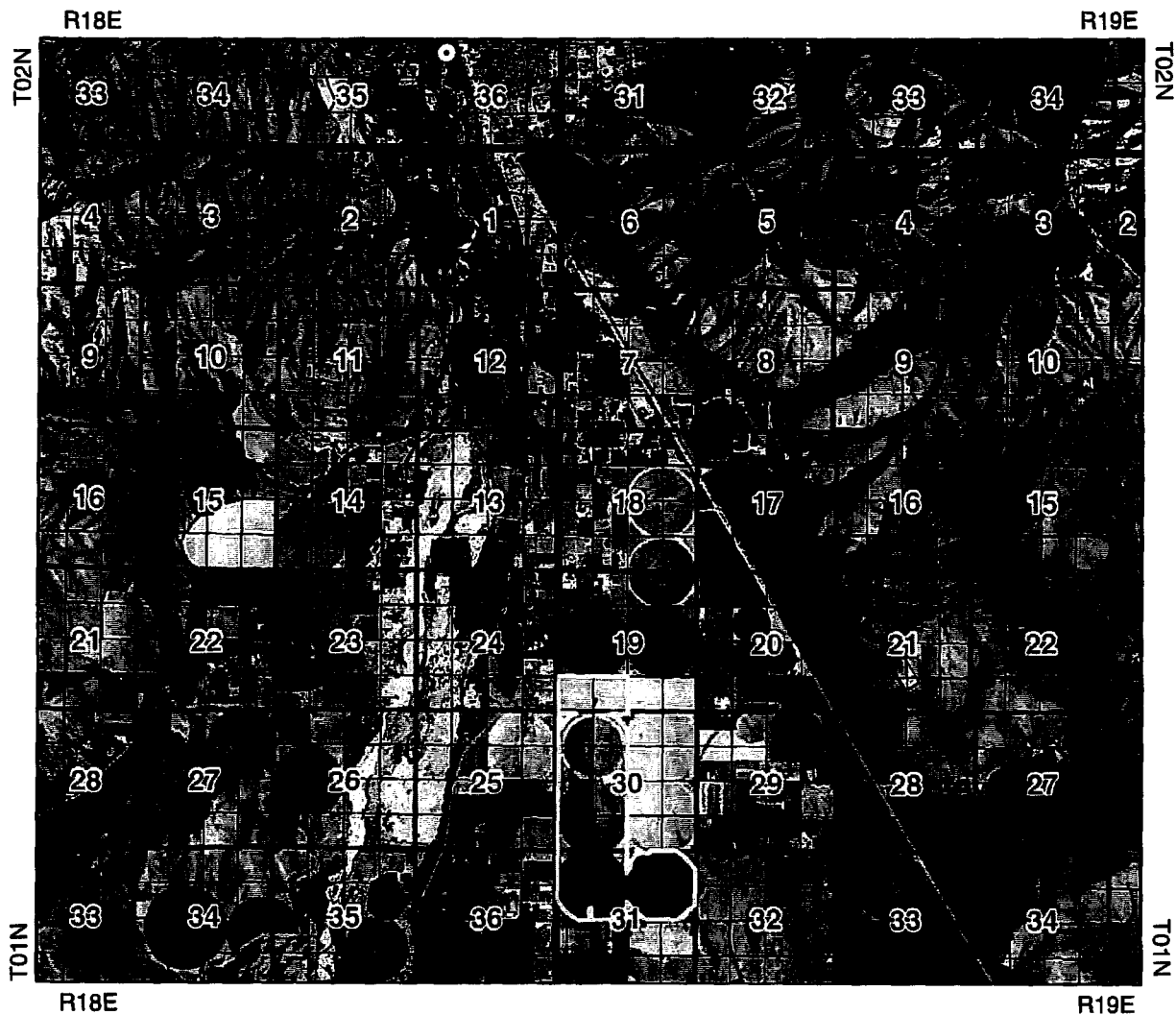
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-577AP, 37-22720, 37-22726

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-666H, 37-667M, 37-22728, 37-22730, 37-22732, 37-22734

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



R18E

R19E

0 0.75 1.5 3 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

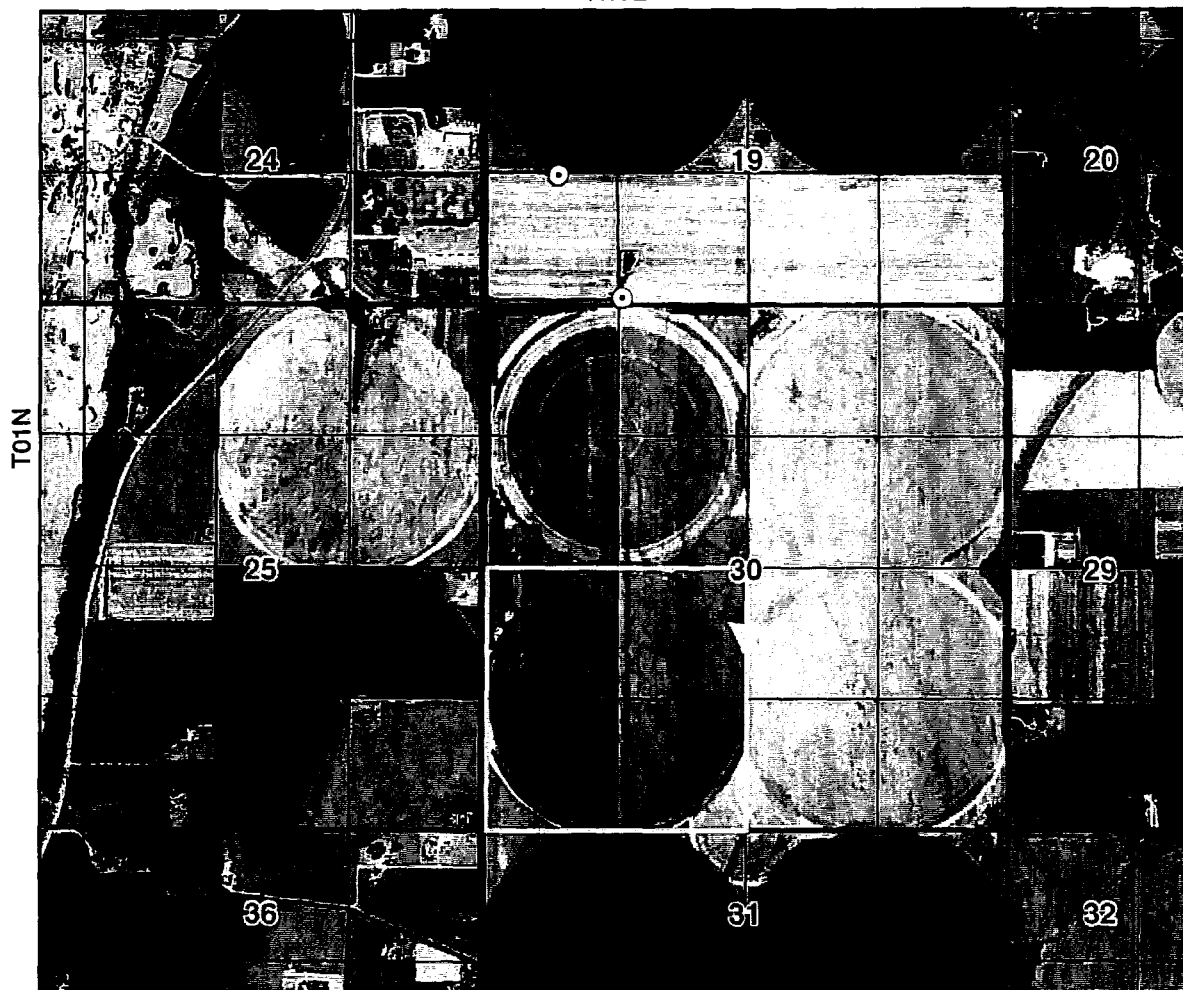
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-7645

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.225 0.45 0.9 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-8117

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.075 0.15 0.3 Miles

- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



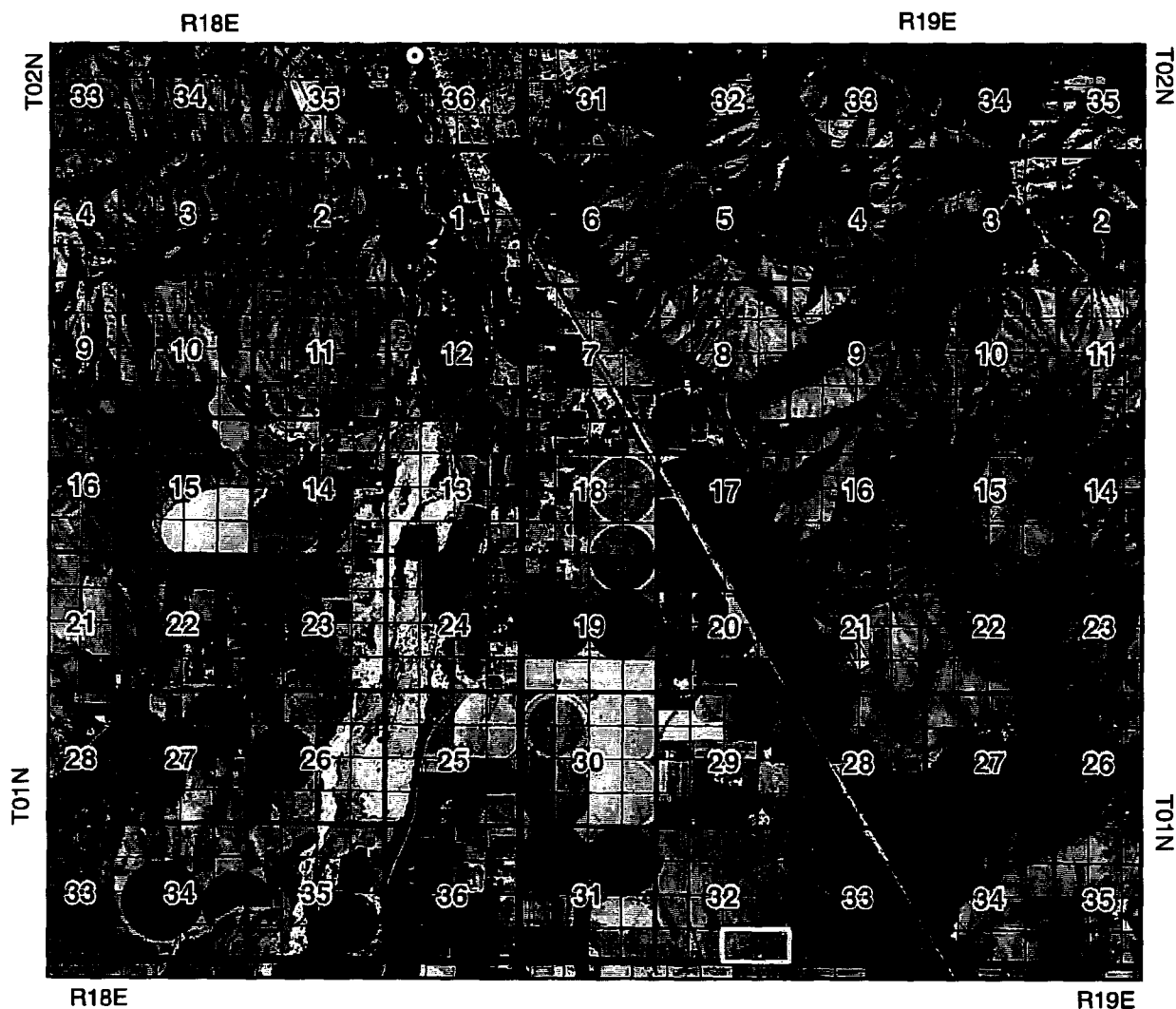
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-597A

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.75 1.5 3 Miles

- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

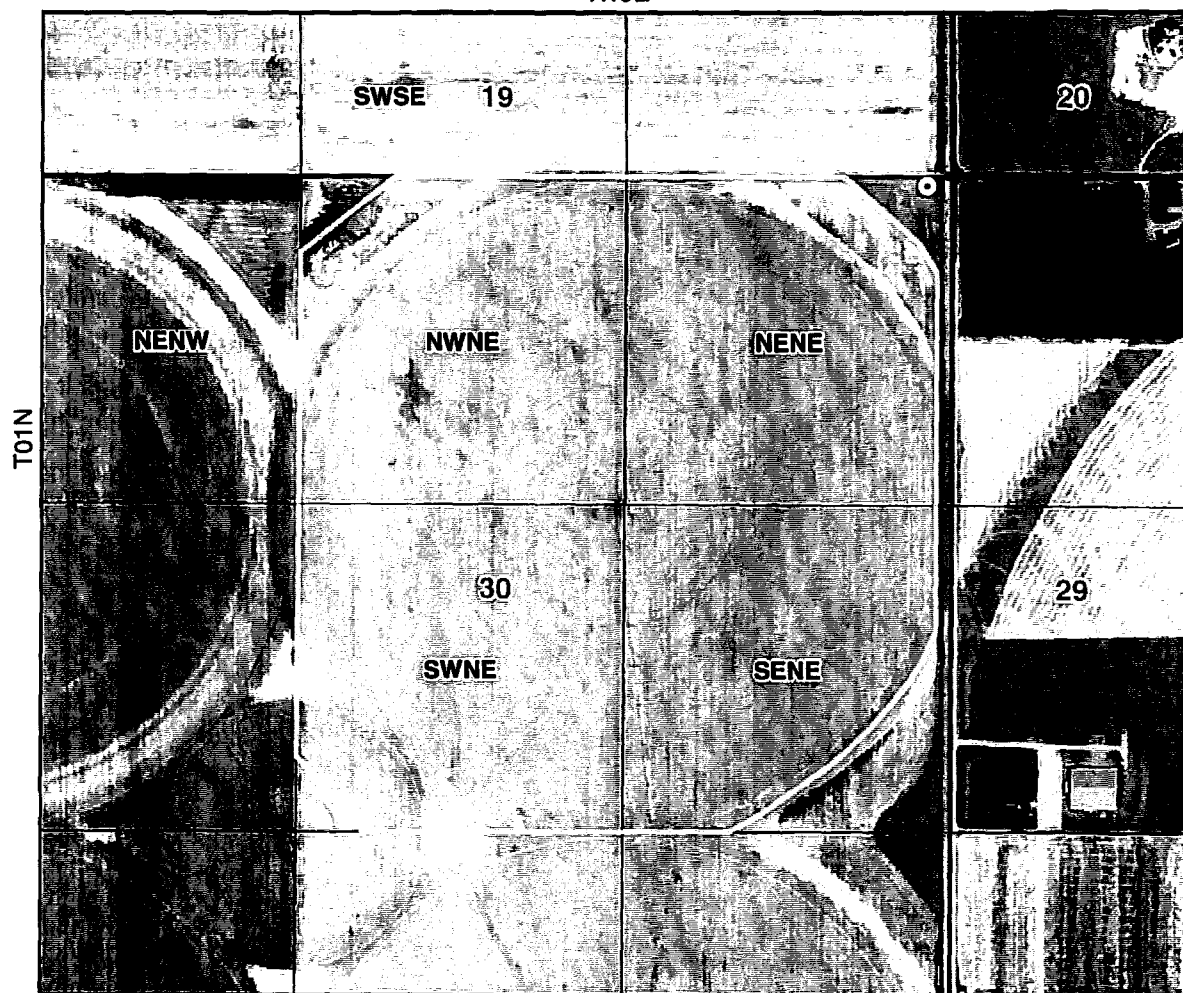
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-22736

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.075 0.15 0.3 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



State of Idaho
Department of Water Resources

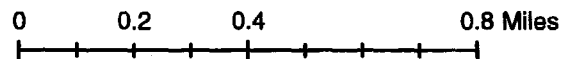
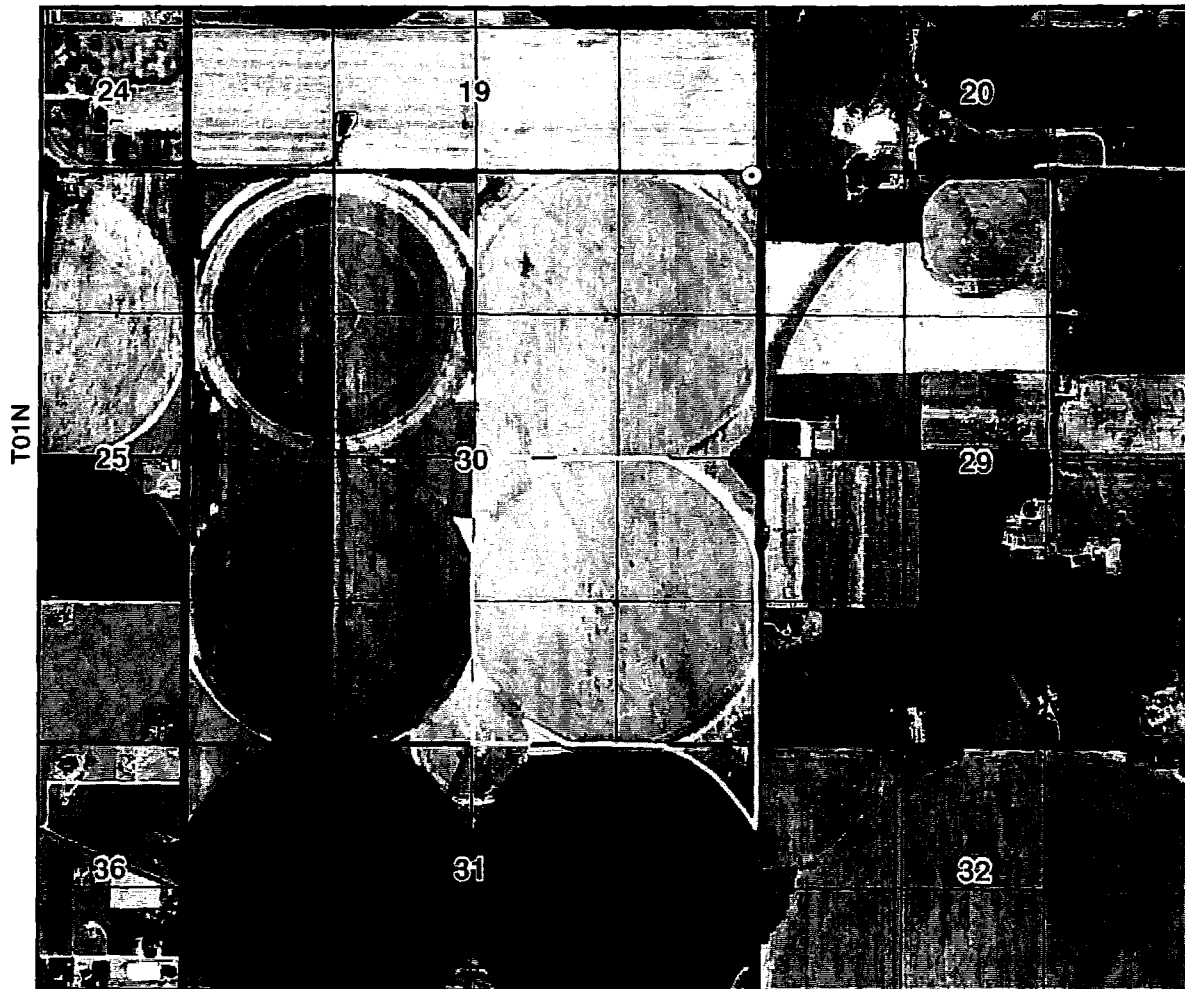
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-8196

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources

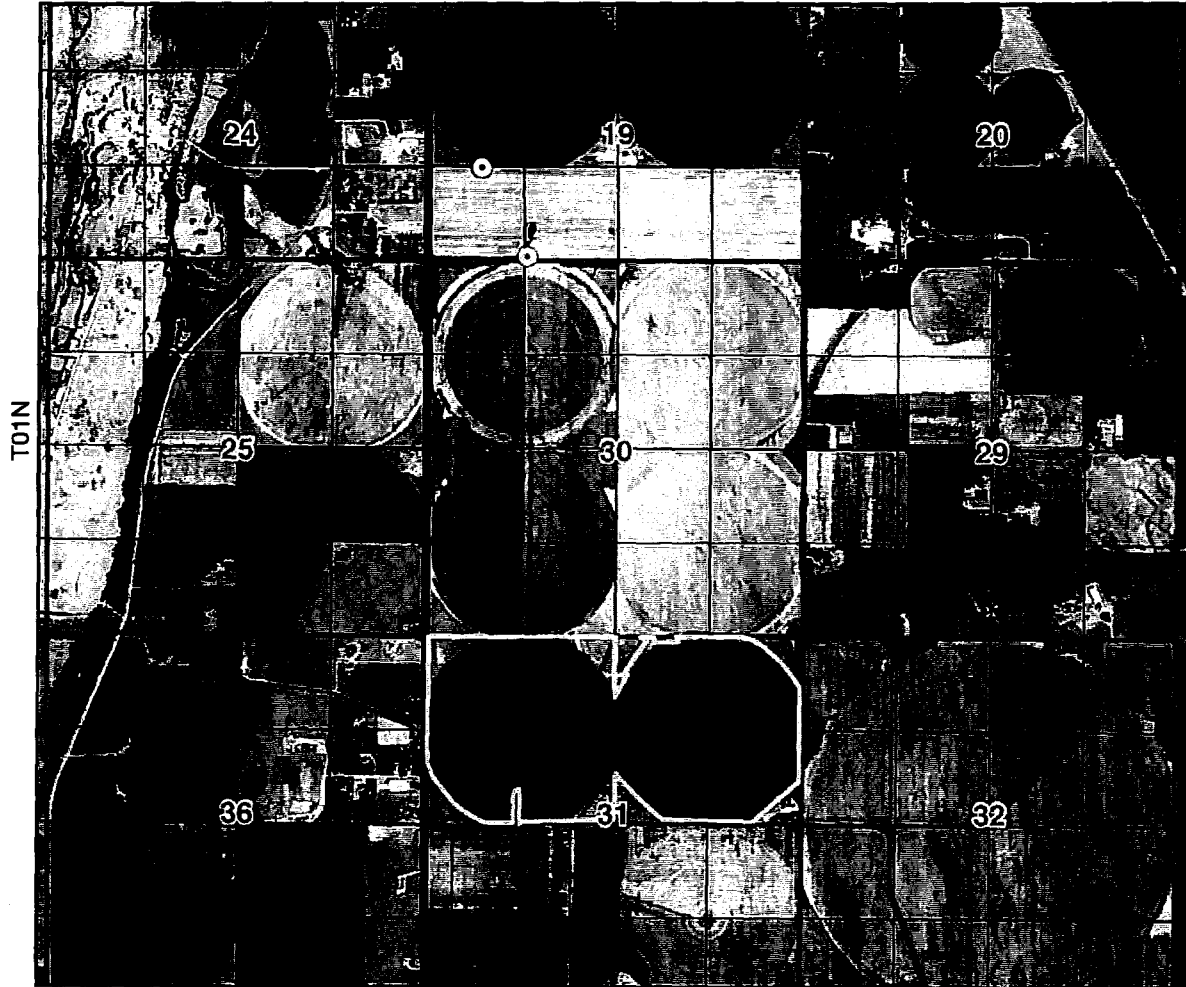
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-22738




This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.3 0.6 1.2 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources

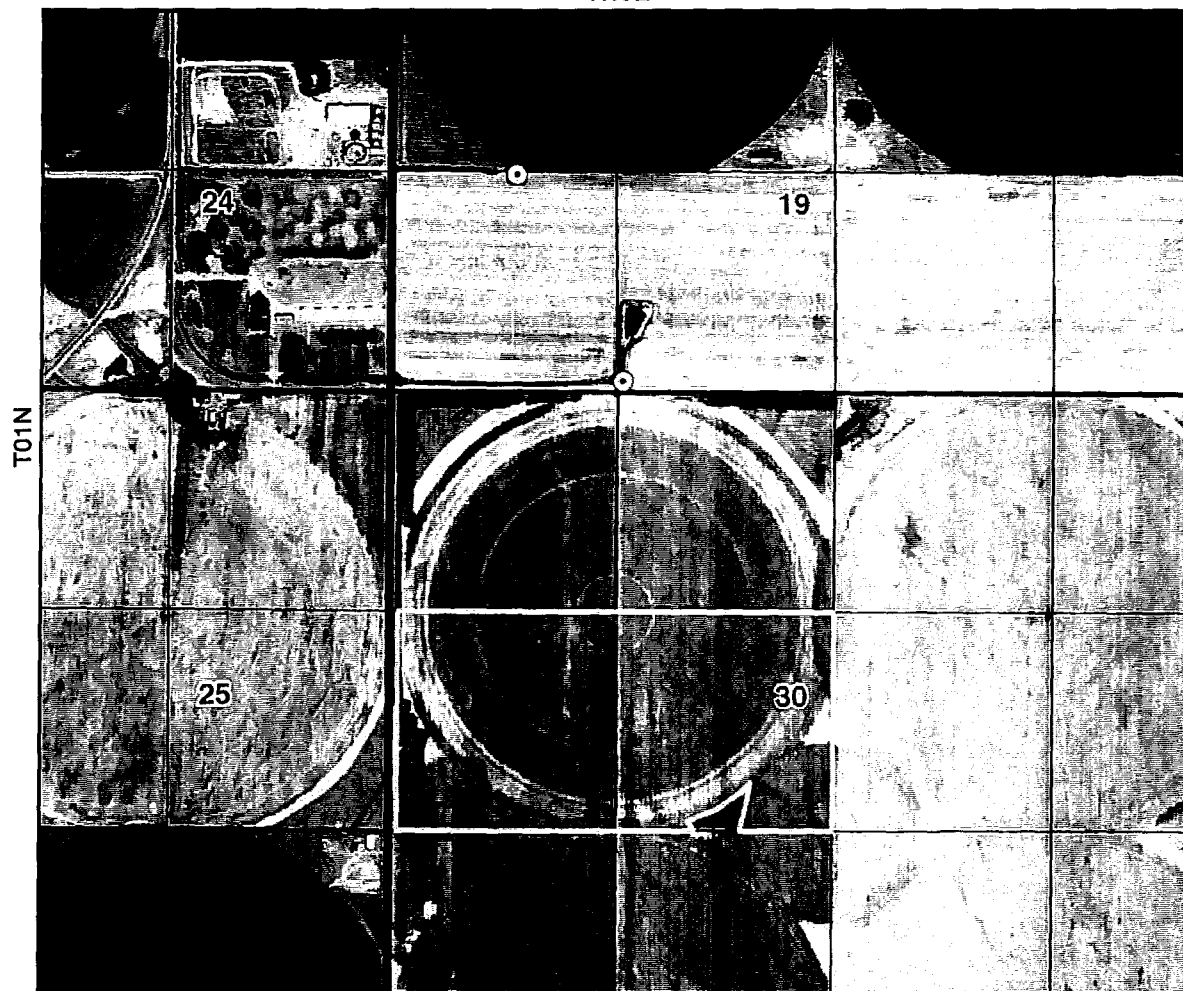
Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-22740

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.125 0.25 0.5 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



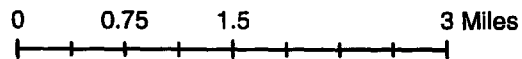
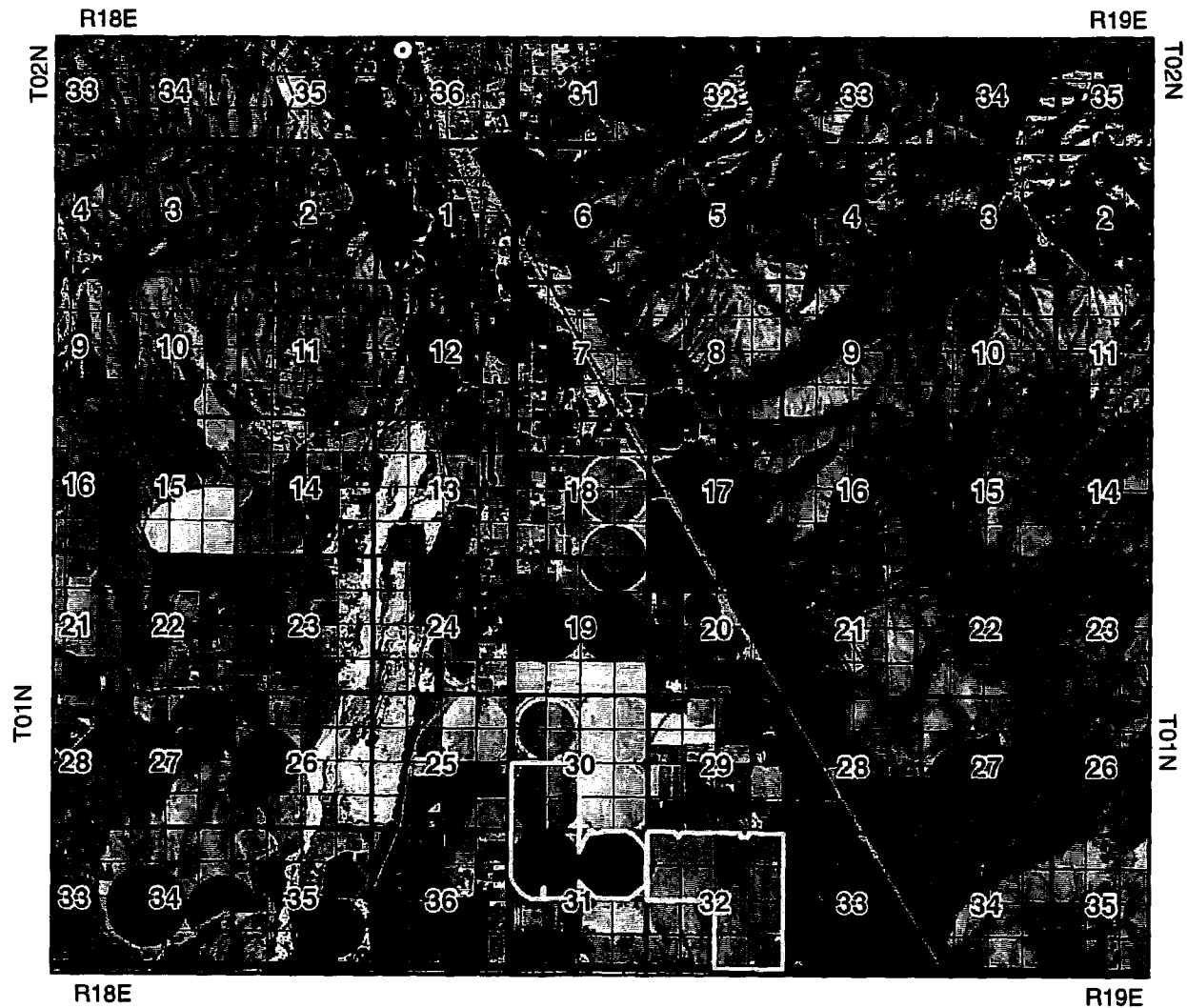
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-115G

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



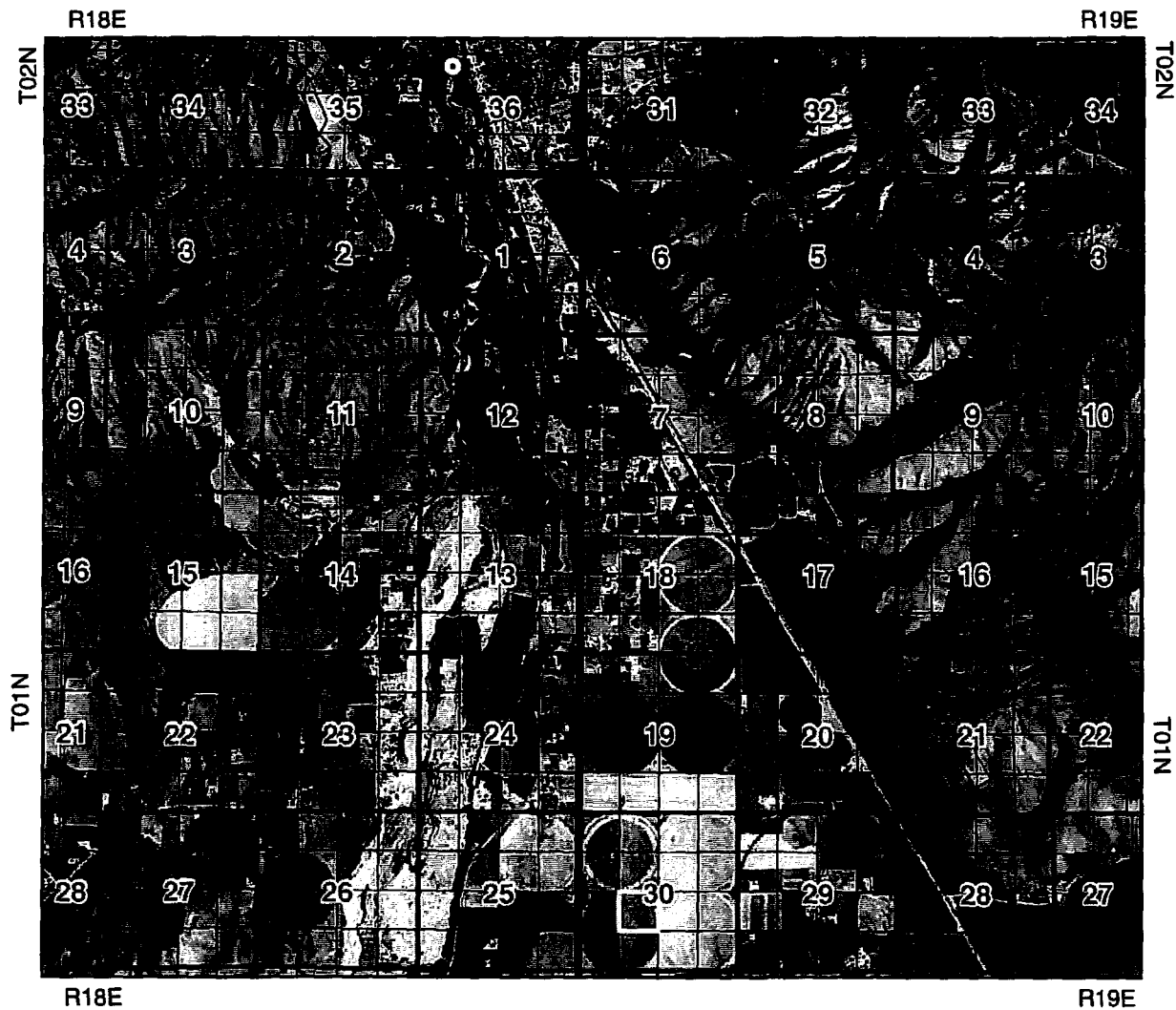
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-158D

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.5 1 2 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



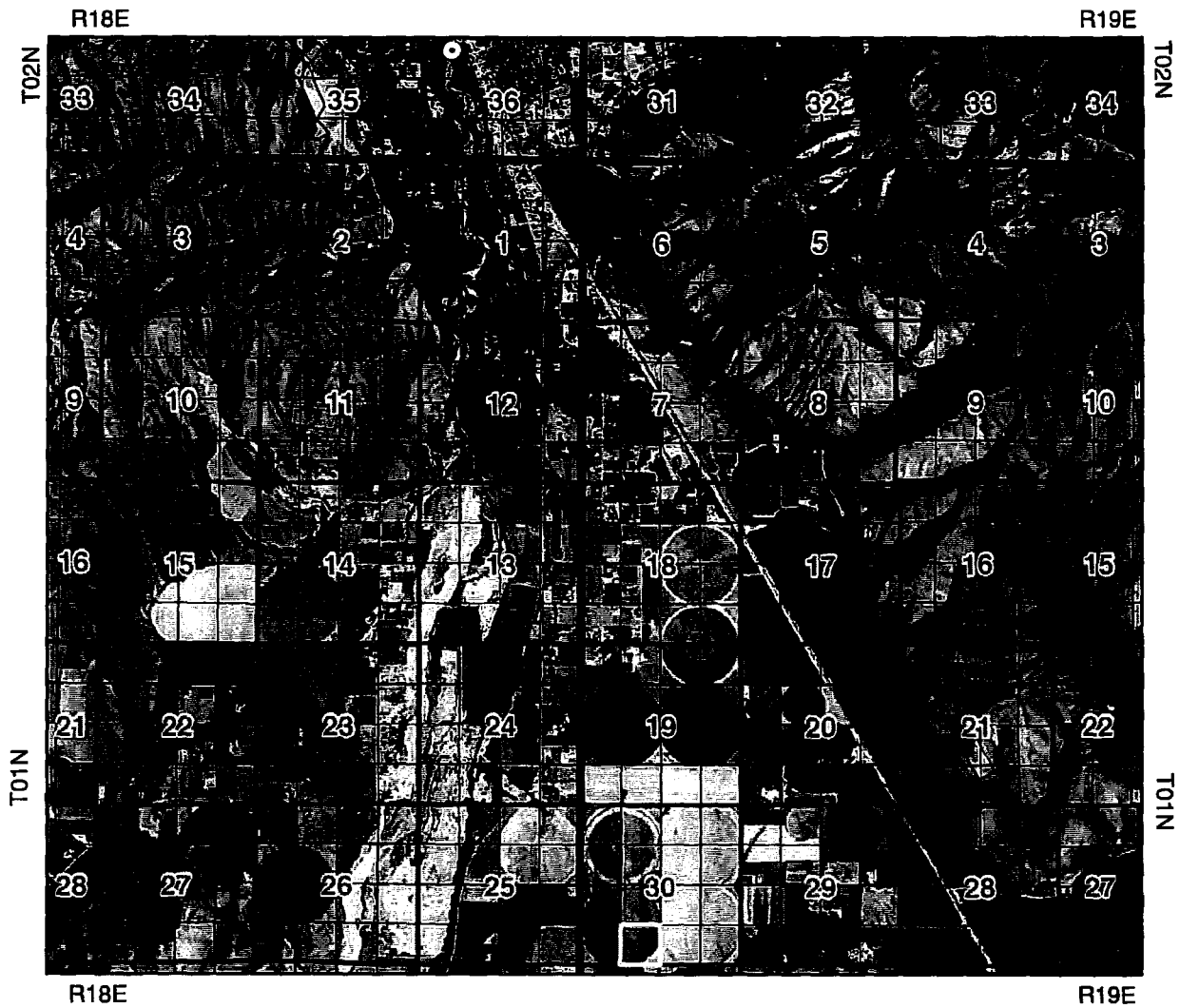
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77878

Rights: 37-886D

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



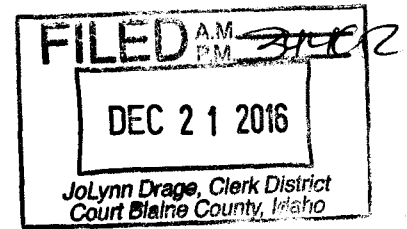
0 0.5 1 2 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



ISSUED: 12/21/16

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV16-471

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **SOUTH COUNTY ESTATES, L.L.C.**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the
above-named court.

DATED: 12/21/14

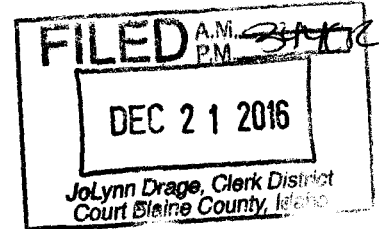
CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC

ISSUED: 12/21/16



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV16-471

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **BIG STICK, LLC**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

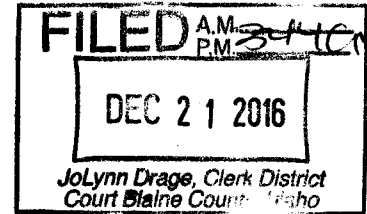
CLERK OF THE DISTRICT COURT

By: C. Regan
Deputy Clerk

ISSUED: 12/21/16

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV14-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **PENSCO TRUST COMPANY F.B.O. RICHARD D. FOSBURY, IRA #F01EC**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.


\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

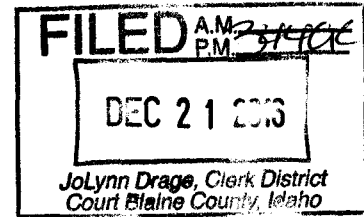
CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC

ISSUED: 12/21/10



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 14-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **PENSCO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NH**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

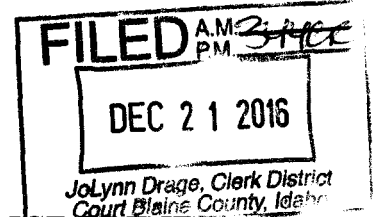
CLERK OF THE DISTRICT COURT

By: C. Rigby
Deputy Clerk

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC

ISSUED: 12/21/16



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an administratively dissolved Idaho limited liability company; BIG STICK, LLC, an administratively dissolved Idaho limited liability company; PENSICO TRUST COMPANY F.B.O. RICHARD D. FOSBURY, IRA #F01EC; PENSICO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NH; PENSICO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NV; FIRST SECURITY CORP.; MOUNTAIN WEST BANK, A DIVISION OF GLACIER BANK; GBCI OTHER REAL ESTATE, LLC, and DOES 1-5, unknown persons who may claim an interest in the subject water rights,

Defendants.

Case No. CV16-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: PENSICO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NV

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.


\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

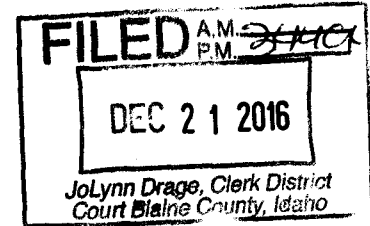
DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

ISSUED: 12/21/16

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CN 16-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **FIRST SECURITY CORPORATION**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

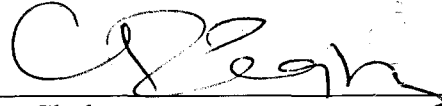
\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

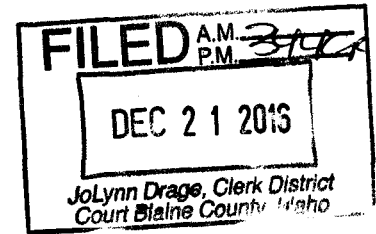
DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

ISSUED: 12/21/16



Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 16-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **MOUNTAIN WEST BANK, A DIVISION OF GLACIER BANK**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

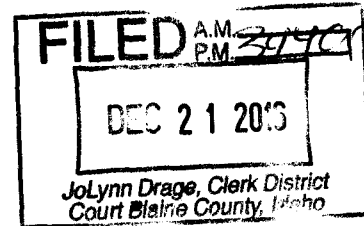
By: 

Deputy Clerk

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER RSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC

ISSUED: 12/21/14



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CN14-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **GBCI OTHER REAL ESTATE, LLC**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

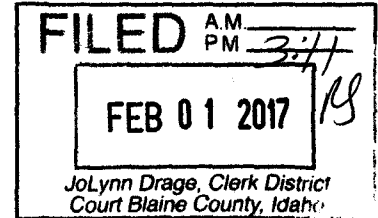
DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

15



BELL RANCH, LLC, an Idaho limited liability company,)

Plaintiff,)

vs.)

SOUTH COUNTY ESTATES, LLC, an administratively dissolved Idaho limited liability company; BIG STICK, LLC, an administratively dissolved Idaho limited liability company; PENSCO TRUST COMPANY F.B.O. RICHARD D. FOSBURY, IRA #F01EC; PENSCO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NH; PENSCO TRUST COMPANY CUSTODIAN F.B.O. CHARLES HOLT, IRA #H01NV; FIRST SECURITY CORP.; MOUNTAIN WEST BANK, A DIVISION OF GLACIER BANK; GBCI OTHER REAL ESTATE, LLC, and DOES 1-5, unknown persons who may claim an interest in the subject water rights,)

Defendants.)

Case No. CV16-671

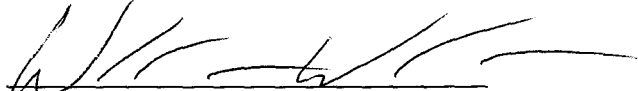
**AFFIDAVIT OF SERVICE
AND RETURN OF SERVICE**

I, William Weller, upon oath duly sworn, hereby depose and state under oath the following, to-wit;

1. That I am a resident of the County of Blaine, State of Idaho, and I am over the age of eighteen (18) years, and that I am not a party to the above-entitled action.

2. That on the 16th day of January, 2017 at approximately 1:25 P.M., I served a COMPLAINT in the above-entitled action by personally delivering the same with JOHN SCHERER, REGISTERED AGENT at 124 Deer Valley Lane, Hailey, ID 83333, that on the 18th day of January, 2017 at approximately 8:20 A.M., I served a SUMMONS in the above-entitled action by personally delivering the same with JOHN SCHERER, REGISTERED AGENT at 124 Deer Valley Lane, Hailey, ID 83333, and by this Affidavit file return of service.

DATED this 20th day of January, 2017

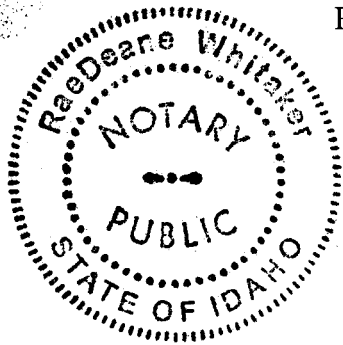

William Weller

SUBSCRIBED AND SWORN to before me this 20th day of November, 2017

NOTARY PUBLIC FOR IDAHO



Residing at: Blaine County Commission Expires 11-8-18



COPY

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

ISSUED: 12/21/14

Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 14-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **SOUTH COUNTY ESTATES, L.L.C.**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

\\

\\

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 13/ CR
Deputy Clerk

STATE OF IDAHO } ss
County of Blaine

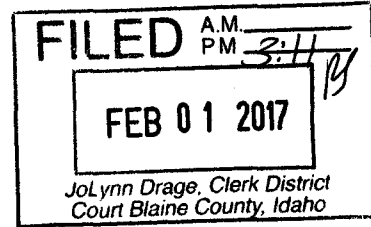
I do hereby certify that the foregoing is a full, true and correct copy of the original thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal this 21 day of Dec 2014

JOLYNN DRAGE [Signature]
Clerk District Court Deputy

157 of 376

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorneys for Plaintiff, Belle Ranch, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an interest
in the subject water rights,

Defendants.

Case No. CV-16-671

**ADMISSION OF SERVICE ON BIG
STICK, LLC**

50

51

52

James R. Laski admits:

1. I am a member of the Idaho Bar and legal counsel for the Defendant Big Stick, LLC, in the above-entitled action.

2. On the 23 day of January, 2017, I received a copy of Plaintiffs' *Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights*, and a Summons for the above-named Defendant.

3. I hereby accept service of process said documents on behalf of Big Stick, LLC, as of the date of receipt.

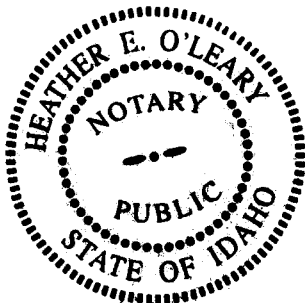
DATED this 23 day of January, 2017.


James R. Laski

STATE OF IDAHO)
County of Blaine) :ss.

On this 23rd day of January, 2017, before me, the undersigned Notary Public, personally appeared James R. Laski, known or identified to me to be person who executed the instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.




NOTARY PUBLIC

Residing at: 13306 Hwy 75, Ketchum, ID
Commission Expires: 11-4-20



Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Plaintiff, Belle Ranch, LLC

COPY

ISSUED: 12/2/11

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 114-671

SUMMONS

ROBERT J. ELGEE

1000

1000

1000

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **BIG STICK, LLC**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 15/ [Signature]
Deputy Clerk

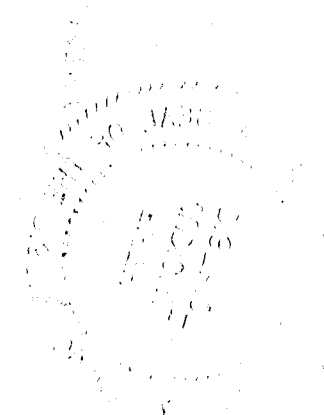
STATE OF IDAHO } ss.
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

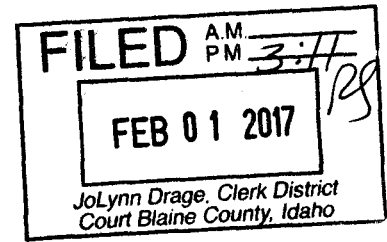
IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal this 21 day of December

JOLYNN DRAGE
Clerk District Court

[Signature]
Deputy



Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorneys for Plaintiff, Belle Ranch, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-16-671

**ADMISSION OF SERVICE ON
MOUNTAIN WEST BANK AND GBCI
OTHER REAL ESTATE, LLC**

R. Wayne Sweney admits:

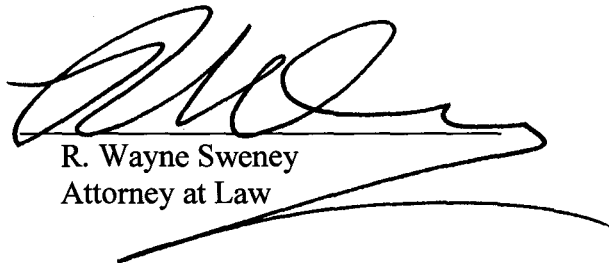
1. I am a member of the Idaho Bar and legal counsel for the following Defendants in the above-entitled action:

- a. GBCI Other Real Estate, LLC, and
- b. Mountain West Bank, a Division of Glacier Bank.

2. On the 9th day of January 2017, I received a copy of Plaintiffs' *Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights*, and a Summons for each of the above-named Defendants.

3. I hereby accept service of process said documents on behalf of GBCI Other Real Estate, LLC, and Mountain West Bank, a Division of Glacier Bank as of the date of receipt.

DATED this 10 day of January, 2017.

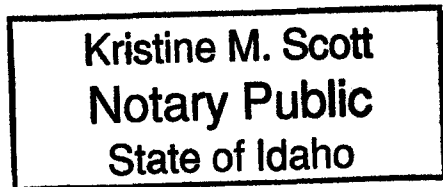


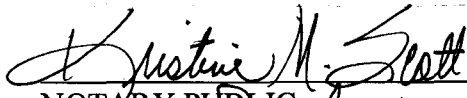
R. Wayne Sweney
Attorney at Law

STATE OF IDAHO)
 :SS.
County of Kootenai)

On this 10th day of January, 2017, before me, the undersigned Notary Public, personally appeared R. Wayne Sweney, known or identified to me to be person who executed the instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.




NOTARY PUBLIC
Residing at: Post Falls
Commission Expires: 12/21/2022

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

COPY

ISSUED: 12/21/10

Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CN 16-671

SUMMONS

ROBERT J. ELGEE

100

_____ (1124)

ROBERT J. ELLIOTT

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **MOUNTAIN WEST BANK, A DIVISION OF GLACIER BANK**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.


///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 161 
Deputy Clerk

STATE OF IDAHO } ss
County of Blaine }

I do hereby certify that the foregoing is a full, true and correct copy of the original sent on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal

21 day of Dec 2014

JOHN DRAGE

Clerk of District Court


Deputy



COPY

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

ISSUED: 12/21/16

Attorney for Plaintiff, Belle Ranch, LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV16-671

SUMMONS

ROBERT J. ELGEE

ROBERT J. FLORE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **GBCI OTHER REAL ESTATE, LLC**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.


///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the
above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 
Deputy Clerk

STATE OF IDAHO } ss
County of Blaine }

I do hereby certify that the foregoing is a
full, true and correct copy of the original
thereof, on file in my office.

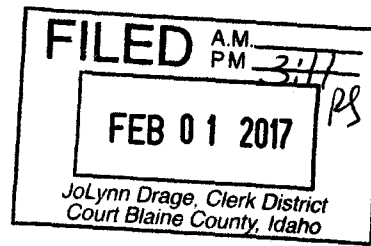
IN WITNESS THEREOF, I have hereunto
set my hand and affixed by official seal
this 21 day of Dec. 2014

JOLYNN DRAGE 
Clerk District Court

Deputy



Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034



Attorneys for Plaintiff, Belle Ranch, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an interest
in the subject water rights,

Defendants.

Case No. CV-16-671

ACCEPTANCE OF SERVICE

STATE OF IDAHO)
 : ss
County of Ada)


Chris Bromley, being first duly sworn on oath, deposes and states:

1. I am counsel for the Defendant, First Security Corporation in the above-entitled action.

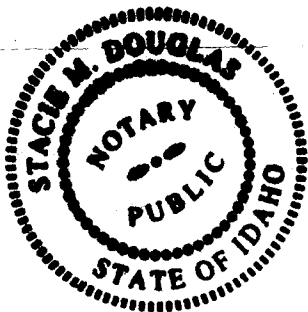
2. On the 10th day of January, 2017, I received a copy of Plaintiffs' *Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights*, and a Summons for the above-named Defendant.

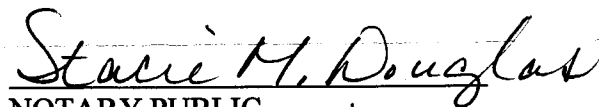
3. I hereby accept service of said documents on behalf of the above-named Defendant.

DATED this 12th day of January, 2017.

By 
Chris Bromley

SUBSCRIBED AND SWORN to before me this 12th day of January, 2017.




NOTARY PUBLIC
Residing at: Bowse
Commission Expires: 1/27/2022

COPY

Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

ISSUED: 12/21/10

Attorney for Plaintiff, Belle Ranch, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV 16-671

SUMMONS

ROBERT J. ELGEE

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: **FIRST SECURITY CORPORATION**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court at 206 1st Avenue South, Hailey, Idaho within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof by mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

///

///

To determine whether you must pay a filing fee with your response, contact the Clerk of the
above-named court.

DATED: 12/21/14

CLERK OF THE DISTRICT COURT

By: 151 [Signature]
Deputy Clerk

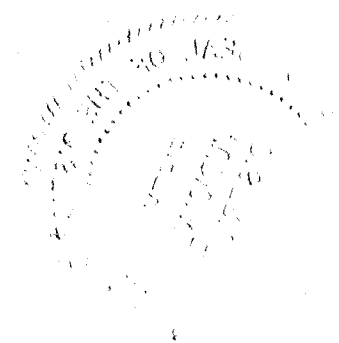
STATE OF IDAHO } ss
County of Blaine }

I do hereby certify that the foregoing is a
full, true and correct copy of the original
thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto
set my hand and affixed by official seal
this 21 day of Dec 2014

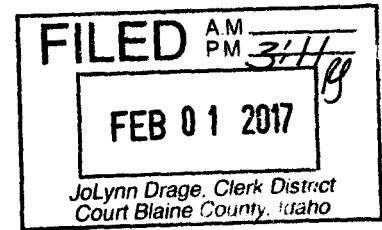
JOLYNN DRAGE
Clerk District Court

[Signature]
Deputy



Albert P. Barker, ISB #4242
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Plaintiff, Belle Ranch, LLC



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an interest
in the subject water rights,

Defendants.

Case No. CV-16-671

**SUPPLEMENTAL CERTIFICATE OF
SERVICE**

I HEREBY CERTIFY that I am a duly licensed attorney in the state of Idaho, with the firm Barker Rosholt & Simpson LLP, and that I served a true and correct copy of the following described documents on the persons listed below on the 30th day of January, 2017 by the following method.

Documents Served:

- Admission of Service on Big Stick, LLC;
- Affidavit of Service and Return of Service;
- Admission of Service on Mountain West Bank and GBCI Other Real Estate, LLC; and
- Acceptance of Service.

Persons Served:

James R. Laski
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340

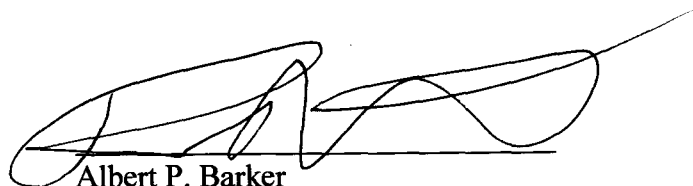
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail

Chris Bromley
McHugh Bromley Attorneys at Law, PLLC
380 S. 4th Street, Suite 103
Boise, ID 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail

R. Wayne Sweney
Attorney at Law
Lukins & Annis, PS
601 E. Front Street, Suite 303
Coeur d'Alene, ID 83814-5155

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail



Albert P. Barker
Paul L: Arrington
Attorneys for Belle Ranch, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2017, I served a true and correct copy of the foregoing SUPPLEMENTAL CERTIFICATE OF SERVICE, to be served upon the following by the indicated method:

Original:

Blaine County District Court
Court Clerk
206 1st Ave. South
Hailey, ID 83333

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail

Copies:

James R. Laski
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340

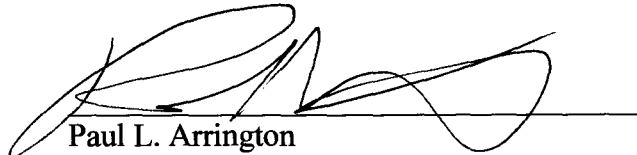
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail

Chris Bromley
McHugh Bromley Attorneys at Law, PLLC
380 S. 4th Street, Suite 103
Boise, ID 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail

R. Wayne Sweney
Attorney at Law
Lukins & Annis, PS
601 E. Front Street, Suite 303
Coeur d'Alene, ID 83814-5155

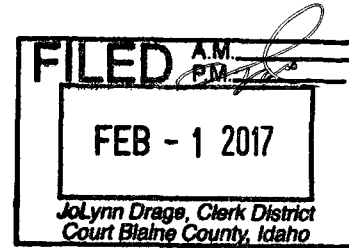
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ E-mail



Paul L. Arrington

Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for First Security Corporation



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORPORATION; MOUNTAIN WEST
BANK, A DIVISION OF GLACIER
BANK; GBCI OTHER REAL ESTATE,
LLC; and DOES 1-5, unknown persons
who may claim an interest in the subject
water rights,

Defendants.

Case No. CV-2016-671

**DEFENDANT FIRST SECURITY
CORPORATION'S ANSWER TO
VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND TO
QUIET TITLE TO WATER RIGHTS,
AND CROSS-CLAIM**

Fee Category: I - \$136.00

Fee Category: K(4) - \$14.00

**DEFENDANT FIRST SECURITY CORPORATION'S ANSWER
TO VERIFIED COMPLAINT FOR DECLARATORY RELIEF AND
TO QUIET TITLE TO WATER RIGHTS, AND CROSS-CLAIM**

FIRST SECURITY CORPORATION,

Cross-claimant,

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-Defendant.

COMES NOW, Defendant, First Security Corporation (“FSC”), by and through its attorneys of record, McHugh Bromley, PLLC, and hereby files this answer to Belle Ranch, LLC’s (“Belle Ranch”) *Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights* (“Complaint”). Unless expressly admitted, FSC denies each and every allegation in the Complaint. FSC further files this Cross-claim against South County Estates, LLC, Mountain West Bank, a division of Glacier Bank, and GBCI Other Real Estate, LLC.

PARTIES

1. Answering Paragraph 1 of the Complaint, FSC understands Belle Ranch is a limited liability company in good standing with the Idaho Secretary of State, and understands the address of Belle Ranch’s registered agent is in Blaine County. FSC is without knowledge as to Belle Ranch’s primary place of business and therefore neither admits nor denies the allegation.
2. Answering Paragraph 2 of the Complaint, FSC admits the allegation therein.
3. Answering Paragraph 3 of the Complaint, FSC is without knowledge as to the contents therein and therefore neither admits nor denies the allegations.

4. Answering Paragraph 4 of the Complaint, FSC is without knowledge as to the contents therein and therefore neither admits nor denies the allegations.

5. Answering Paragraph 5 of the Complaint, FSC is without knowledge as to the contents therein and therefore neither admits nor denies the allegations.

6. Answering Paragraph 6 of the Complaint, FSC is without knowledge as to the contents therein and therefore neither admits nor denies the allegations.

7. Answering Paragraph 7 of the Complaint, FSC admits it is an Idaho corporation and denies it is a bank doing business in the State of Idaho. FSC is a wholly-owned subsidiary of a state bank doing business in the State of Idaho, and that FSC is registered to do business in Idaho, including Blaine County.

8. Answering Paragraph 8 of the Complaint, FSC admits allegations therein.

9. Answering Paragraph 9 of the Complaint, FSC admits the allegations therein.

10. Answering Paragraph 10 of the Complaint, FSC is without knowledge as to the contents therein and therefore denies the allegations.

VENUE AND JURISDICTION

11. Answering Paragraph 11 of the Complaint, FSC admits jurisdiction is proper.

12. Answering Paragraph 12 of the Complaint, FSC admits jurisdiction is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

13. Answering Paragraph 13 of the Complaint, FSC admits venue is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property.

FACTUAL BACKGROUND

14. Answering Paragraph 14 of the Complaint, FSC admits that the records of IDWR show that G. Chapman Petersen and Associates filed claims to the water rights enumerated therein.

15. Answering Paragraph 15 of the Complaint, FSC admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property. FSC further states that the term “the Real Property” is not defined by Belle Ranch and therefore denies any allegations or inferences drawn in the Complaint as to “the Real Property.”

16. Answering Paragraph 16 of the Complaint, FSC admits that the records of the Idaho Department of Water Resources (“IDWR”) show that in 2003, a Notice in Change in Water Right Ownership was filed with IDWR, changing the water right holder from G. Chapman Petersen and Associates-Idaho to South County. FSC admits the records of IDWR, which speak for themselves, include various Quitclaim Deeds conveying ownership to South County.

17. Answering Paragraph 17 of the Complaint, FSC is without knowledge as to the allegations therein and neither admits nor denies the allegations.

18. Answering Paragraph 18 of the Complaint, FSC admits the records cited therein speak for themselves.

19. Answering Paragraph 19 of the Complaint, FSC is without knowledge as to the allegations therein and neither admits nor denies the allegations.

20. Answering Paragraph 20 of the Complaint, FSC admits Mountain West Bank (“MWB”) recorded a Mortgage in Blaine County and that the Mortgage placed a lien on real

property within Blaine County that was identified within the Mortgage. FSC is without knowledge as to a modification of said Mortgage and therefore denies the allegation.

21. Answering Paragraph 21 of the Complaint, FSC is without knowledge as to the conveyance of 2.8/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Big Stick and neither admits nor denies the allegation as the documents and Blaine County records speak for themselves. As to all other allegations, FSC is without knowledge of the actions and therefore denies the same.

22. Answering Paragraph 22 of the Complaint, FSC is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor denies the allegation as the documents and Blaine County records speak for themselves. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

23. Answering Paragraph 23 of the Complaint, FSC is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County records speak for themselves. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

24. Answering Paragraph 24 of the Complaint, FSC is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents speak for themselves. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

25. Answering Paragraph 25 of the Complaint, FSC is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor denies the allegation as the documents and Blaine County records speak for themselves. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

26. Answering Paragraph 26 of the Complaint, FSC is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County records speak for themselves. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

27. Answering Paragraph 27 of the Complaint, FSC admits that, on June 25, 2009, South County conveyed 7.5/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 to Charles Holt and John Scherer, and that said quitclaim was properly recorded in Blaine County. Water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 were encumbered by the MWB Mortgage, specified in Paragraph 20 of the Complaint. However, MWB had released its lien as to 7.5/289th of said water rights to South County, as recorded in Blaine County, resulting in the quitclaim from South County to Scherer and Holt. As to all other allegations, FSC is without knowledge of the actions described therein and denies the same.

28. Answering Paragraph 28 of the Complaint, FSC admits that the sum of some of the figures in paragraphs 21-27 total 15.3. As to all other allegations or inferences contained therein, FSC denies the same.

29. Answering Paragraph 29 of the Complaint, FSC is without knowledge of the allegations therein and therefore denies the allegations.

30. Answering Paragraph 30 of the Complaint, FSC admits South County executed a Deed in Lieu of Foreclosure to MWB, recorded on or about June 17, 2010 in Blaine County. FSC alleges that South County could only convey what right, title, and interest it held, and that MWB could only receive the same. FSC denies all other allegations therein.

31. Answering Paragraph 31 of the Complaint, FSC admits that the language in the Deed in Lieu speaks for itself. FSC denies all other allegations therein.

32. Answering Paragraph 32 of the Complaint, FSC admits that on or about June 17, 2010, MWB executed a Deed in favor of GBCI Other Real Estate, LLC (“GBCI”), recorded in Blaine County, and that said document speaks for itself. FSC admits that MWB could only convey what right, title, and interest it received as a result of the Deed in Lieu of Foreclosure, and that GBCI could therefore only receive the same. FSC denies the allegation contained in paragraph 32 that MWB and GBCI were deeded all of the “Real Property and appurtenant water rights.”

33. Answering Paragraph 33 of the Complaint, FSC admits that the SRBA website shows Special Master Recommendations were issued on June 28, 2010 and that those documents speak for themselves, including the certificate of service. FSC denies that the recommendation for water right no. 37-481C was in the name of South County.

34. Answering Paragraph 34 of the Complaint, FSC is without knowledge as to whether any of the Defendants “made any effort to challenge” the Special Master Recommendations or whether or not the decree “was in error” and therefore denies the same.

35. Answering Paragraph 35 of the Complaint, FSC admits that the SRBA website shows amended Special Master Recommendations were issued on July 9, 2010, purportedly to correct an error regarding water right no. 37-481C. FSC admits the documents speak for

themselves, including the certificate of service. As to any other allegation contained in Paragraph 35, FSC denies the same.

36. Answering Paragraph 36 of the Complaint, FSC is without knowledge as to whether any of the Defendants “made any effort to challenge” the amended Special Master recommendations or whether nor not the decree “was in error” and denies the same.

37. Answering Paragraph 37 of the Complaint, FSC admits that the SRBA website shows partial decrees were issued by the SRBA district court on August 31, 2010, listing the name and address of South County. FSC admits the documents speak for themselves, including the certificate of service and the Rule 54(b) certification.

38. Answering Paragraph 38 of the Complaint, FSC is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees or to set aside the partial decrees “before Basin 37 was closed for claims, before the Final Unified Decree was issued or since” and denies the same.

39. Answering Paragraph 39 of the Complaint, FSC alleges that approximately 11 months after entry of the SRBA partial decrees (*see* Idaho Code § 42-248), MWB filed a Notice in Change of Ownership with IDWR, sometime in the latter part of July 2011, seeking to change the name and address of the water right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to MWB. MWB included its June 17, 2010 Deed in Lieu of Foreclosure and Assignment Deed from South County as evidence to IDWR that the change should be made as to the entirety of the water rights. FSC alleges that the deeds of record in Blaine County show that MWB did not have right, title, and interest as to FSC’s 7.5/289th interest in the water rights, as MWB, on or about June 25, 2009, had already released its interest in the 7.5/289th, that South County recorded a Quitclaim Deed in Blaine

County on or about June 25, 2009 conveying the same interest in the 7.5/289th to John Scherer and Charles Holt, and that, due to its Mortgage with John Scherer and Charles Holt, IIB filed a Notice of Security Interest with IDWR, which was stamped as received by the agency on or about July 24, 2009. FSC alleges that the deeds of record in Blaine County show that, in the latter part of July 2011, when MWB sought to make the change from South County to MWB, that MWB was not the proper party to make the request to IDWR, as on or about June 17, 2010, MWB had conveyed its interest to GBCI. FSC is without knowledge and therefore denies the same that its predecessor, IIB, with a validly filed Notice of Security Interest on file with IDWR, was notified by IDWR or had any knowledge as to the change of ownership of the entirety of the water rights from South County to MWB. FSC alleges that MWB had no legal right to alter FSC's right, title, and interest to FSC's water rights. FSC denies that IDWR properly processed MWB's Notice in Change of Ownership. FSC admits Idaho Code § 42-248¹ speaks for itself and denies any inferences drawn in the Complaint. FSC is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR change and therefore denies the same.

40. Answering Paragraph 40 of the Complaint, FSC admits that, on approximately December 20, 2011, GBCI conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 to Belle Ranch by Special Warranty Deed, recorded in Blaine County. Pertaining to the quoted language from the Special Warranty Deed, FSC admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

¹ Belle Ranch cites to "Idaho Code § 42-284(3)" in its Complaint regarding filing notices of change of ownership with IDWR. FSC denies there is a section of Idaho Code denominated as "Idaho Code § 42-284(3)" as Chapter 2, Title 42 of Idaho Code ends at section 250. FSC infers Belle Ranch is referring to Idaho Code § 42-248, and therefore bases its answers as to "Idaho Code § 42-284(3)" on Idaho Code § 42-248.

41. Answering Paragraph 41 of the Complaint, FSC admits that, on approximately December 21, 2011, MWB conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 to Belle Ranch by Quitclaim Deed, recorded in Blaine County. Pertaining to the quoted language from the Quitclaim Deed, FSC admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

42. Answering Paragraph 42 of the Complaint, FSC admits that, on or about February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a Notice of Change in Water Right Ownership with IDWR seeking to change the name and address of the right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 to Belle Ranch. FSC admits that, on or about March 7, 2012, the change was processed by IDWR. FSC denies that IDWR properly processed the change. FSC alleges that the deeds submitted by Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, were the deeds they received from MWB and GBCI but that the chain of title was incomplete. FSC is without knowledge and therefore denies the same that its predecessor, IIB, with a valid Notice of Security Interest on file with IDWR, was notified by IDWR or had any knowledge as to the change of ownership of the entirety of the water rights from South County to MWB. FSC admits Idaho Code § 42-248 speaks for itself and denies any inferences drawn in the Complaint. FSC is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR change and therefore denies the same. FSC denies that IDWR's processing of the change of ownership actually changed ownership and asserts that IDWR's processing of the change of ownership cannot circumvent actual valid deeds.

43. Answering Paragraph 43 of the Complaint, FSC admits an Application for Transfer of Water Rights was filed with IDWR, but is without knowledge as to the specific date

said application was filed. FSC is without knowledge as to who the precise applicants were and neither admits nor denies that the Application was filed by Belle Ranch and John Stevenson. FSC admits Idaho Code § 42-222 speaks for itself and denies any inferences drawn in the Complaint. FSC is without knowledge as to the contents of the Notice and neither admits nor denies the same. FSC is without knowledge as to who may have received Notice of the Transfer and denies the same. FSC admits IDWR processed the Transfer. FSC denies that the Transfer correctly reflected the name and address of Belle Ranch as the right holder, and as previously stated, that changing ownership from South County to MWB was improperly processed by IDWR, that changing ownership from MWB to Belle Ranch perpetuated the error, and that FSC is without knowledge, and therefore denies the same, that any notice was sent to IIB as the holder of the Notice of Security Interest on file with IDWR. FSC further denies that the Transfer could or did change ownership of the water rights.

44. Answering Paragraph 44 of the Complaint, FSC admits that, on October 28, 2014, it filed a Notice of Change of Water Right Ownership with IDWR for FSC's 7.5/289th portion of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630, which it received from its predecessors-in-interest. FSC denies the inference that the 7.5/289th of said water rights were not conveyed. FSC asserts that the 7.5/289th of said water rights are owned by FSC. FSC is without knowledge as to whether Belle Ranch received notice of the filing and therefore denies the same.

45. Answering Paragraph 45 of the Complaint, FSC admits that IDWR processed the change in accordance with the recorded deeds and Idaho Code, and properly split the water rights into water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919, which recognized FSC's ownership. FSC denies any inference that the conveyances by its predecessors-in-interest

was somehow “attempted” and asserts that FSC is the legal owner of water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919.

46. Answering Paragraph 46 of the Complaint, FSC denies that Belle Ranch acquired all of South County’s interest in the water rights. FSC admits that the documents on file with IDWR speak for themselves. FSC denies any inference or allegation made by Belle Ranch that the SRBA had jurisdiction or authority to quiet title as to ownership of water rights. Idaho Code § 6-401.

47. Answering Paragraph 47 of the Complaint, FSC admits that, after Belle Ranch contested IDWR’s determination to split the water rights, that IDWR’s direction to the parties was to quiet title as to ownership in district court. FSC admits one outcome offered by IDWR was to list the right holder as South County. FSC admits the ultimate decision of IDWR was to list the right holder as “See file” and directed the parties to quiet title in district court, as communication from IDWR stated, “the Department does not have the authority to determine ownership of water rights.”

48. Answering Paragraph 48 of the Complaint, FSC admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

49. Answering Paragraph 49 of the Complaint, FSC admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

50. Answering Paragraph 50 of the Complaint, FSC admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

51. Answering Paragraph 51 of the Complaint, FSC is without knowledge as to the lack of a filing and therefore denies the same.

52. Answering Paragraph 52 of the Complaint, FSC is without knowledge as to the communication cited and therefore denies the same.

53. Answering Paragraph 53 of the Complaint, FSC admits that the 2010 Deed in Lieu is but one of a number of documents in the chain of title, both prior to and after issuance of the SRBA decrees, that took place as to the water rights at issue. FSC is without knowledge as to whether any of the “Defendants have beneficially used any portion of the Water Rights” and therefore denies the same.

54. Answering Paragraph 54 of the Complaint, FSC is without knowledge as to the records cited therein and therefore denies the same.

COUNT ONE
QUIET TITLE TO WATER RIGHTS IN THE NAME OF BELLE RANCH

55. Answering Paragraph 55 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

56. Answering Paragraph 56 of the Complaint, FSC denies that it has no legal interest in the water rights and denies the same. FSC is without knowledge as to the legal interests of the other Defendants and neither admits nor denies the same.

57. Answering Paragraph 57 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

58. Answering Paragraph 58 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

59. Answering Paragraph 59 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

60. Answering Paragraph 60 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

61. Answering Paragraph 61 of the Complaint, FSC is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees and neither admits nor denies the same.

62. Answering Paragraph 62 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

63. Answering Paragraph 63 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

64. Answering Paragraph 64 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

65. Answering Paragraph 65 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

66. Answering Paragraph 66 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

67. Answering Paragraph 67 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

68. Answering Paragraph 68 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

69. Answering Paragraph 69 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

70. Answering Paragraph 70 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

71. Answering Paragraph 71 of the Complaint, FSC denies Belle Ranch is entitled to quiet title as to any interest Belle Ranch now claims in the 7.5/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 owned by FSC, as represented by water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919.

**COUNT TWO
DECLARATORY RELIEF
(SRBA Decree Quieted Title in South County Estates, LLC)**

72. Answering Paragraph 72 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

73. Answering Paragraph 73 of the Complaint, FSC admits Idaho Code § 10-1201 speaks for itself and admits a district court has jurisdiction for such purposes.

74. Answering Paragraph 74 of the Complaint, FSC admits Idaho Code §§ 42-1401 *et seq.* speaks for itself concerning the SRBA district court.

75. Answering Paragraph 75 of the Complaint, FSC admits Idaho Code § 42-1401A(1) speaks for itself.

76. Answering Paragraph 76 of the Complaint, FSC admits Idaho Code § 42-1401A(1) speaks for itself.

77. Answering Paragraph 77 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

78. Answering Paragraph 78 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. FSC further denies Belle Ranch is “the” successor-in-interest to South County.

79. Answering Paragraph 79 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. FSC further admits no portion of said water rights were claimed or decreed in the name of Belle Ranch.

80. Answering Paragraph 80 of the Complaint, FSC admits Idaho Code § 42-1420(1) speaks for itself.

81. Answering Paragraph 81 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

82. Answering Paragraph 82 of the Complaint, FSC denies the legal conclusion asserted by Belle Ranch.

**COUNT THREE
DECLARATORY RELIEF
(Ownership Claims Barred by Statute of Limitations)**

83. Answering Paragraph 83 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

84. Answering Paragraph 84 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

85. Answering Paragraph 85 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

86. Answering Paragraph 86 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

87. Answering Paragraph 87 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

88. Answering Paragraph 88 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

89. Answering Paragraph 89 of the Complaint, FSC denies the legal conclusion asserted by Belle Ranch.

**COUNT FOUR
DECLARATORY RELIEF
(IDWR Transfer Proceedings Confirmed that Belle Ranch Owns the Water Rights)**

90. Answering Paragraph 90 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

91. Answering Paragraph 91 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

92. Answering Paragraph 92 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

93. Answering Paragraph 93 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

94. Answering Paragraph 94 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

95. Answering Paragraph 95 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

96. Answering Paragraph 96 of the Complaint, FSC denies the legal conclusion asserted by Belle Ranch.

COUNT FIVE QUASI-ESTOPPEL/WAIVER

97. Answering Paragraph 97 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

98. Answering Paragraph 98 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

99. Answering Paragraph 99 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

100. Answering Paragraph 100 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

101. Answering Paragraph 101 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

102. Answering Paragraph 102 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

103. Answering Paragraph 103 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

104. Answering Paragraph 104 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

105. Answering Paragraph 105 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

106. Answering Paragraph 106 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

107. Answering Paragraph 107 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

108. Answering Paragraph 108 of the Complaint, FSC is without knowledge of Belle Ranch's belief and therefore denies the same.

109. Answering Paragraph 109 of the Complaint, FSC denies Belle Ranch is entitled to the relief sought.

COUNT SIX
ABANDONMENT AND/OR FORFEITURE OF INTEREST IN WATER RIGHTS

110. Answering Paragraph 110 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

111. Answering Paragraph 111 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

112. Answering Paragraph 112 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

113. Answering Paragraph 113 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

114. Answering Paragraph 114 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

115. Answering Paragraph 115 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

116. Answering Paragraph 116 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

117. Answering Paragraph 117 of the Complaint, FSC denies Belle Ranch is entitled to the relief sought.

118. Answering Paragraph 117 of the Complaint, FSC denies Belle Ranch is entitled to the relief sought.

**COUNT SEVEN
IMPLIED TRUST/CONSTRUCTIVE TRUST**

119. Answering Paragraph 119 of the Complaint, FSC incorporates herein, by reference, its responses to the preceding paragraphs.

120. Answering Paragraph 120 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

121. Answering Paragraph 121 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

122. Answering Paragraph 122 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

123. Answering Paragraph 123 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

124. Answering Paragraph 124 of the Complaint, FSC has previously answered this allegation and, as stated in Paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

125. Answering Paragraph 125 of the Complaint, FSC denies it would be unconscionable for FSC to have title to the water rights it owns.

126. Answering Paragraph 126 of the Complaint, denies Belle Ranch is entitled to the relief sought.

BELLE RANCH'S CLAIM FOR ATTORNEYS FEES

FSC denies Belle Ranch is entitled to an award of its reasonable costs and attorneys' fees incurred in this suit, as Belle Ranch is attempting to obtain relief for water rights to which it has no legal right, title, or interest.

BELLE RANCH'S CLAIM FOR RELIEF

FSC states as follows that:

A. Belle Ranch is not entitled to quiet title as to any interest Belle Ranch now claims in the 7.5/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 owned by FSC, as represented by water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919 ("FSC's water rights");

B. Belle Ranch is not entitled to a declaratory judgment as to any interest Belle Ranch now claims in FSC's water rights;

C. Belle Ranch is not entitled to relief claimed by quasi-estoppel and/or waiver as to FSC's water rights;

D. Belle Ranch is not entitled to relief seeking to create a constructive trust for Belle Ranch and ordering FSC to convey FSC's water rights;

E. Belle Ranch is not entitled to enjoin FSC, its assigns, or successors from its estate, right, title, claim, lien, or interest in FSC's water rights; and

F. The Court deny Belle Ranch's Complaint and dismiss the entirety of this action, with prejudice.

FSC'S DEFENSES

FIRST DEFENSE

The Complaint should be dismissed for failure to state a claim upon which relief can be granted as to Belle Ranch's purported interest in FSC's water rights.

SECOND DEFENSE

The Complaint should be dismissed as a result of waiver, laches, estoppel/quasi-estoppel, and/or failure or lack of consideration as to Belle Ranch's purported interest in FSC's water rights.

THIRD DEFENSE

The Complaint should be dismissed as a result of Belle Ranch coming to this Court with unclean hands as to Belle Ranch's interest in FSC's water rights.

FOURTH DEFENSE

The Complaint should be dismissed as any relief granted to Belle Ranch concerning Belle Ranch's purported interest in FSC's water rights as Belle Ranch would be unjustly enriched and the result would be unconscionable.

FIFTH DEFENSE

If the Complaint is not dismissed, and if Belle Ranch does assert a valid legal theory concerning a statute of limitations, any statute of limitations was tolled as to FSC until the controversy arose.

SIXTH DEFENSE

The Complaint should be dismissed for lack of consideration as to Belle Ranch's purported interest in FSC's water rights.

SEVENTH DEFENSE

The Complaint should be dismissed as to lack of damages concerning Belle Ranch's lack of interest in FSC's water rights.

AFFIRMATIVE DEFENSE

FSC has not been able to engage in full discovery of the facts relevant to this case and is unable to fully state in complete detail all of the affirmative defenses that may exist with respect to the Complaint. FSC reserves the right to assert additional affirmative defenses by amendment to its Answer.

ATTORNEYS' FEES AND COSTS

FSC has been required to retain the law firm of McHugh Bromley, PLLC to defend this matter and is entitled to recovery of attorneys' fees and costs pursuant to Idaho Code § 12-120, Idaho Code § 12-121, I.R.C.P. 54, and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

WHEREFORE, Defendant FSC prays as follows:

1. That Belle Ranch's Complaint be dismissed in its entirety, with prejudice, and Belle Ranch take nothing;
2. That FSC be awarded its reasonable costs and attorneys' fees incurred in defending this action as prayed for in the Answer; and
3. For any such other and further relief as this Court deems just and proper.

CROSS-CLAIM

COMES NOW the Cross-Claimant, First Security Corporation (“FSC”) to allege a Cross-Claim for quiet title against South County Estates, LLC; Mountain West Bank, a division of Glacier Bank; and GBCI Other Real Estate, LLC.

PARTIES AND JURISDICTION

1. South County Estates, LLC (“South County”) was formed as an Idaho limited liability company on August 7, 2003, with John Scherer identified as the sole member. South County’s last annual report was processed by the Idaho Secretary of State’s office on June 14, 2010. John Scherer was listed as the sole member. The registered agent for South County was John Scherer, 124 Deer Valley Lane, Hailey, Idaho 83333. According to the Idaho Secretary of State, South County was administratively dissolved on November 3, 2011.

2. Glacier Bank, transacting business in Idaho as Mountain West Bank, a division of Glacier Bank (“Mountain West”), is a bank doing business in the State of Idaho, including Blaine County. According to the Secretary of State, the registered agent is Russel K. Porter, located at 125 Ironwood Drive, Coeur d’Alene, Idaho 83814

3. GBCI Other Real Estate, LLC (“GBCI”) is an Idaho limited liability company doing business in the State of Idaho, including Blaine County. The registered agent is Russ Porter, located at 101 Ironwood Drive, Suite 210, Coeur d’Alene, Idaho 83814.

4. This Court has jurisdiction over this matter pursuant to Idaho Code § 5-514(c) arising from South County’s purported ownership of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630, which were decreed by the Snake River Basin Adjudication (“SRBA”) District Court to South County. Consistent with the deeds recorded in Blaine County, Plaintiff owns 7.5/289th of the water rights decreed by the SRBA District Court, which are

represented by water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919 (“FSC’s water rights”). FSC seeks only to quiet title only as to its ownership interest that is consistent with the deeds of record in Blaine County. Consistent with the deeds of record in Blaine County, South County as no right, title, or interest in FSC’s water rights.

5. Water rights are real property. Idaho Code § 55-101(1).

6. Pursuant to Idaho Code § 6-401, this Court has the authority to quiet title as to the ownership of water rights.²

7. Venue in this matter is proper before this Court pursuant to Idaho Code § 5-401 because the real property is located in Blaine County.

COMMON ALLEGATIONS

8. The real property that is the subject of this Complaint are water rights. Water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 (the “Water Rights”) were claimed in the SRBA by South County.

9. On June 13, 2008, Mountain West Bank (“Mountain West”), due to its mortgage with South County, filed a *Notice of Security Interest in a Water Right* with the Idaho Department of Water Resources (“IDWR”).³ The Mountain West *Notice of Security Interest in a Water Right* was acknowledged by IDWR on June 20, 2008. Mountain West’s mortgage was recorded in Blaine County on October 14, 2005, as Instrument No. 527439 (the “MWB

² “An action may be brought by any person against another who claims an estate or interest in real or personal property adverse to him, for the purpose of determining such adverse claim, provided that all actions to adjudicate water rights and obtain such a decree as to water source, quantity, point of diversion, place of use, nature of use, period of use, and priority as against other water users shall be brought under the provisions of chapter 14, title 42, Idaho Code.” Idaho Code § 6-401.

³ The documents cited to hereinafter are attached to the *Affidavit of Chris M. Bromley*, filed in Case No. CV-2016-645, and are incorporated herein by reference.

Mortgage”). The MWB Mortgage was included with the aforementioned *Notice of Security Interest in a Water Right* filed by Mountain West with IDWR.

10. On June 25, 2009, Mountain West recorded in Blaine County, as Instrument No. 568681, a Partial Release of Lien, wherein Mountain West released the lien of the MWB Mortgage (as described above and therein) to 7.5/289th of the Water Rights (the “MWB Partial Release”). The MWB Partial Release states: “that the lien of the Mortgage be released as it relates to the Water Rights appurtenant to the 7.5 acres of real property identified on the legal description attached hereto as Exhibit ‘A’ and incorporated herein by this reference and that the Notice of Security Interest in a Water Right filed with the Idaho Department of Water Resources be waived to the limited extent to relates to the Water Rights described above.” *MWB Partial Release* at 1 (emphasis added).

11. On June 25, 2009, South County conveyed 7.5/289th of the Water Rights to John Scherer and Charles Holt (“Scherer and Holt”) by quitclaim deed (the “2009 Quitclaim Deed”). The 2009 Quitclaim Deed was recorded in Blaine County on June 25, 2009, as Instrument No. 568680. The 2009 Quitclaim Deed states as follows:

FOR VALUABLE CONSIDERATION . . . South County . . . hereby bargains, sells, remises, releases, conveys and forever quitclaims to John Scherer, a married man as his sole and separate property . . . and to Charles Holt, a married man as his sole and separate property . . . to hold as tenants-in-common, all of its right, title and interest which it has, if any, in the property in the State of Idaho, County of Blaine, described as:

7.5/289th portion of Water Right Nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 as identified on the records of the Idaho Department of Water Resources

2009 Quitclaim Deed at 1 (emphasis added).

12. Subsequently, Scherer and Holt executed a Mortgage in favor of the Idaho Independent Bank (“IIB”) as to “7.5/289th” of the Water Rights, and recorded in Blaine County on June 25, 2009, as Instrument No. 568682 (the “IIB Mortgage”). *IIB Mortgage* at 1.

13. On July 24, 2009, IIB filed a *Notice of Security Interest in a Water Right* (the “IIB Security Interest”) with IDWR regarding IIB’s security interest in the 7.5/289th of the Water Rights. The IIB Mortgage was attached with the IIB Security Interest submittal to IDWR. *Id.* The IIB Mortgage was acknowledged by IDWR on July 24, 2009.

14. South County, after having already conveyed the 7.5/289th of the Water Rights to Scherer and Holt by the 2009 Quitclaim Deed, quitclaimed the remaining interest in the Water Rights by a *Deed in Lieu of Foreclosure* to Mountain West, which was recorded in Blaine County on June 17, 2010, by Instrument No. 578331 (the “MWB Deed in Lieu”).

15. Thereafter, on June 17, 2010, Mountain West conveyed its interest in the property described in the MWB Deed in Lieu to GBCI by *Deed*, recorded in Blaine County as Instrument No. 578364 (the “MWB/GBCI Deed”). Such conveyance was expressly subject to the aforementioned Partial Release of Water Rights, recorded as Instrument No. 568681. *Id.* at 2 (referencing “Partial Release of Water Rights recorded as Instrument No. 568681”). Thus, 7.5/289th of the Water Rights was owned by Scherer and Holt, with a first position priority security interest in favor of IIB; the remaining 281.5/289th was owned by GBCI.

16. On August 31, 2010, the SRBA District Court issued *Partial Decrees* to South County for the Water Rights, *Exhibit 11, Affidavit of Chris M. Bromley*, as summarized on the following page:

////

////

Water Right No.	Priority Date	Diversion Rate (cfs)
37-481C	8/1/1882	3.014
37-577BT	3/24/1883	2.2
37-482H	8/1/1884	3.012
37-483C	8/1/1902	15.086
37-2630	2/2/1960	3.75

17. On July 22, 2011, nearly a year after the SRBA partial decrees were issued in the name of South County (*see* Idaho Code § 42-248), Mountain West filed a *Notice of Change in Water Right Ownership* with IDWR for the Water Rights, referencing the MWB Deed in Lieu as the basis for the change in ownership. Mountain West filed the *Notice of Change in Water Right Ownership* even though Mountain West had: (a) previously released its interest in 7.5/289th of the Water Rights, *see* MWB Partial Release; and (b) subsequently conveyed its interest obtained through the MWB Deed in Lieu to GBCI, *see* MWB/GBCI Deed. Therefore, Mountain West was not a proper party to ask for a change in ownership. On September 13, 2011, and even with the IIB *Notice of Security Interest in a Water Right* as to the 7.5/289th of the Water Rights on file, and from a party that had no interest before it, IDWR processed Mountain West's change of ownership for the entirety of the Water Rights.

18. IDWR maintains and updates water right ownership records pursuant to Idaho Code § 42-248. When a *Notice of Change in Water Right Ownership* is filed, IDWR verifies that the form has been filled out correctly, that the appropriate filing fee has been paid, and that the conveyance document(s) appear proper. If the conveyance document(s) appear proper, IDWR will change ownership of the water right(s), and will notify the prior owner. In the event of disputed ownership, IDWR directs the parties to quiet title in a district court because IDWR does

not have the legal authority to determine ownership of a water right nor are the IDWR records the official record of ownership.

19. On December 22, 2011, GBCI conveyed, “without Warranty,” the Water Rights to Belle Ranch, by Special Warranty Deed, recorded in Blaine County on December 22, 2011, as Instrument No. 593252 (the “Special Warranty Deed”).

20. On December 22, 2011, Mountain West quitclaimed any interest it had in the Water Rights to Belle Ranch (the “MWB Quitclaim Deed”), recorded December 22, 2011, as Instrument No. 593254.

21. GBCI and Mountain West never obtained ownership of the 7.5/289th of the Water Rights owned by Scherer and Holt as a result of the MWB Partial Release and the 2009 Quitclaim Deed, encumbered by a security interest in favor of IIB due to the IIB Mortgage. These documents were recorded in the real property records of Blaine County prior to the recording of the MWB Deed in Lieu and all subsequently recorded deeds. Accordingly, neither GBCI nor Mountain West could convey the 7.5/289th of the Water Rights to Belle Ranch. The most GBCI and Mountain West could have conveyed to Belle Ranch was 281.5/289th of the Water Rights.

22. On February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a *Notice of Change in Water Right Ownership* with IDWR in order to change ownership of the Water Rights from Mountain West to Belle Ranch. *Exhibit 16, Affidavit of Chris M. Bromley*. The conveyance documents submitted by Justin R. Stevenson and Brett Stevenson to IDWR were: (a) the December 22, 2011, GBCI Special Warranty Deed; and (b) the December 22, 2011 MWB Quitclaim Deed. On March 7, 2012, IDWR processed the change of

ownership to Belle Ranch for the entire Water Rights, which, as previously stated, perpetuated the improper change of ownership from South County to Mountain West.

23. On September 2, 2014, Scherer and Holt executed a Non-Merger Deed in Lieu of Foreclosure conveying the 7.5/289th of the Water Rights to IIB (the “IIB Deed in Lieu”). *Exhibit 20, Affidavit of Chris M. Bromley*. In the IIB Deed in Lieu, Scherer and Holt conveyed “all of the water rights, described in Exhibit 1, attached hereto” *IIB Deed in Lieu* at 1. According to Exhibit 1 to the IIB Deed in Lieu, Scherer and Holt conveyed their “undivided 7.5/289th” of the Water Rights to IIB. *Id.* at 5. The IIB Deed in Lieu was recorded in Blaine County on October 20, 2014, as Instrument No. 622055.

24. IIB executed a Warranty Deed conveying the same “7.5/289th” of the Water Rights to its subsidiary, First Security Corporation (the “FSC Deed”), which was recorded in Blaine County on October 20, 2014, as Instrument No. 622056.

25. On October 28, 2014, IDWR received FSC’s *Notice of Change in Water Right Ownership* which requested a “split” of the Water Rights, so as to recognize FSC’s 7.5/289th ownership, and included the aforementioned deeds recorded in Blaine County to demonstrate ownership.

26. On January 12, 2015, IDWR split ownership of the Water Rights consistent with the recorded deeds and chain of title, and as summarized below on the following page:

////

////

////

FSC Water Rights	Priority Date	Diversion Rate (cfs)
37-22915	8/1/1882	0.08
37-22918	3/24/1883	0.06
37-22916	8/1/1884	0.08
37-22917	8/1/1902	0.4
37-22919	2/2/1960	0.10

Belle Ranch Water Rights	Priority Date	Diversion Rate (cfs)
37-481C	8/1/1882	2.93
37-577BT	3/24/1883	2.14
37-482H	8/1/1884	2.93
37-483C	8/1/1902	14.69
37-2630	2/2/1960	3.65

27. On January 13, 2015, IDWR sent a letter to Belle Ranch notifying it of the split in ownership.

28. On March 21, 2016, more than a year after ownership of the Water Rights had been split to reflect the recorded deeds, IDWR received a letter from Belle Ranch's attorney demanding that IDWR undo the split, and change its records to reflect full ownership to Belle Ranch: "This change in ownership was in error and should be reversed. . . . Accordingly, please correct the Department's records of ownership of the above water rights to reflect Belle Ranch's ownership of the entire water rights." Emphasis added.

29. On March 31, 2016, counsel for FSC sent a letter in opposition to the March 21, 2016 letter from Belle Ranch to IDWR.

30. On April 5, 2016, counsel for Belle Ranch replied to FSC's March 31, 2016 letter.

31. After IDWR reviewed correspondence from Belle Ranch and FSC, counsel for IDWR stated that a quiet title action in district court would be necessary to resolve ownership between FSC and Belle Ranch:

As you are aware IDWR does not possess the legal authority to quiet title in ownership disputes. Disputes over title to real property can only be resolved by a quiet title action brought before a district court. . . . IDWR only maintains and updates water right ownership records pursuant to Idaho Code 42-248. The Department elected to process the First Security Corporation's change in ownership based on the materials submitted at the time with the application. Despite providing

notice of the change to Belle Ranch on January 13, 2015, IDWR did not receive any communication from [Belle Ranch] expressing a concern with this change until your March 17, 2016 letter. Review of earlier materials and consideration of your recent arguments and submitted materials indicate there is a dispute over current ownership of the 7.5/289th portion of these water rights.

Emphasis added.

32. IDWR was unwilling to accede to the demands of Belle Ranch's attorney to undo the split and restore ownership of "the entire water rights" to Belle Ranch. Thus, ownership of Belle Ranch's interest in the Water Rights remains consistent as summarized, above, in Paragraph 26.

33. Belle Ranch is still listed with IDWR as the owner of water right nos. 37-481C, 37-577BT, 37-482H, 37-483C, and 37-2630. According to IDWR's records and in contravention to the Blaine County records, FSC is no longer listed as the owner of water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919 (the "FSC Water Rights"). Instead, the name associated with the FSC Water Rights has been changed from FSC to "See file."

QUIET TITLE

34. The foregoing paragraphs are incorporated herein by this reference and restated as if set forth in full.

35. Pursuant to Idaho Code §§ 6-401-418, FSC is entitled to a decree quieting title and decreeing and declaring it is the sole owner of the FSC Water Rights.

36. Pursuant to Idaho Code § 6-401-418, FSC is entitled to a decree quieting title and decreeing and declaring that any rights of South County, Mountain West, and GBCI in the FSC Water Rights are void.

37. Pursuant to Idaho Code § 6-401, FSC is entitled to a decree quieting title and decreeing and declaring that any rights of South County, Mountain West, and GBCI in the FSC Water Rights are void.

38. Pursuant to Idaho Code §§ 6-401-418, FSC is entitled to a decree quieting title and decreeing and declaring that it is the sole owner of the FSC Water Rights.

39. Consistent with the foregoing, an order and judgment should be entered by this Court quieting title to FSC to the FSC Water Rights.

ATTORNEY'S FEES AND COSTS

40. FSC has been required to retain the law firm of McHugh Bromley, PLLC to represent it in this matter and is entitled to recovery of attorneys' fees and costs pursuant to Idaho Code § 12-120, Idaho Code § 12-121, I.R.C.P. 54, and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

////

////

////

////

PRAYER FOR RELIEF

WHEREFORE, FSC prays for relief against South County, Mountain West, and GBCI as follows:

1. For a decree quieting title against South County, Mountain West, and GBCI and finding that FSC is the sole owner 7.5/289th of the Water Rights, as represented by water right nos. 37-22915, 37-22916, 37-22917, 37-22918, and 37-22919;
2. For an award of attorney's fees and costs as prayed for in this Cross-Claim; and
3. For such other and further relief as the Court deems just and proper.

DATED this 31st day of January, 2017.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY
Attorney for First Security Corporation

CERTIFICATE OF SERVICE

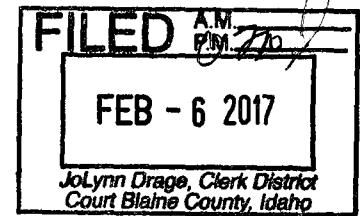
I hereby certify that on this 31st day of January, 2017, a true and correct copy of the foregoing was filed with the Clerk of the Court and served via email and United States First Class Mail, postage prepaid, to the following:

Albert P. Barker
Paul L. Arrington
BARKER ROSHOLT & SIMPSON
1010 West Jefferson Street, Suite 102
PO Box 2139
Boise, ID 83701-2139
apb@idahowaters.com
pla@idahowaters.com



CHRIS M. BROMLEY

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076



Attorneys for Defendant Big Stick, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-2016-671

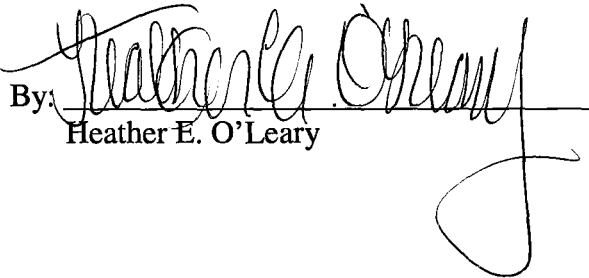
**NOTICE OF APPEARANCE FOR
DEFENDANT BIG STICK, LLC**

Fee Category: I(1)
Fee: \$136.00

PLEASE TAKE NOTICE that James R. Laski and Heather E. O'Leary of the law firm of Lawson Laski Clark & Pogue, PLLC, Post Office Box 3310, Ketchum, Idaho 83340, will appear as counsel of record for Defendant Big Stick, LLC.

Dated this 1st day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By: 
Heather E. O'Leary

CERTIFICATE OF SERVICE

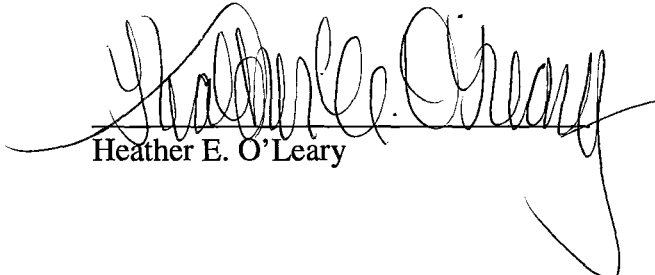
The undersigned hereby certifies that on February 1st, 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

Paul L. Arrington
Barker Rosholt & Simpson, LLP
163 2nd Avenue West
P.O. Box 63
Twin Falls, ID 83301

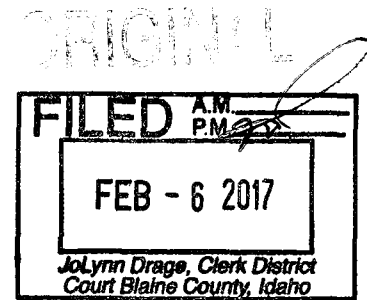
☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy (208) 735-2444

Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy (208) 287-0864


Heather E. O'Leary

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076



Attorneys for Defendant South County Estates, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-2016-671

**NOTICE OF APPEARANCE FOR
DEFENDANT SOUTH COUNTY
ESTATES, LLC**

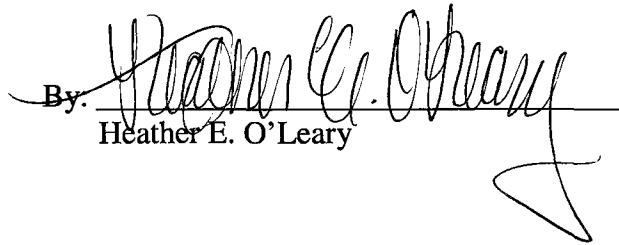
Fee Category: I(1)

Fee: \$136.00

PLEASE TAKE NOTICE that James R. Laski and Heather E. O'Leary of the law firm of Lawson Laski Clark & Pogue, PLLC, Post Office Box 3310, Ketchum, Idaho 83340, will appear as counsel of record for Defendant South County Estates, LLC.

Dated this 1st day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By. 
Heather E. O'Leary

CERTIFICATE OF SERVICE

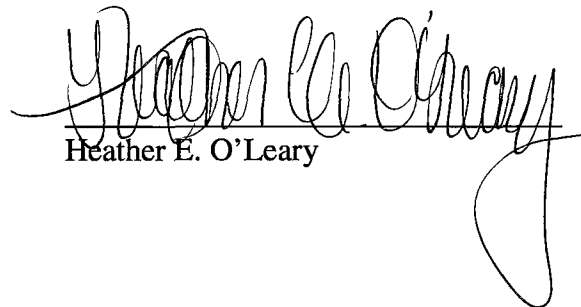
The undersigned hereby certifies that on February ^{8th} 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

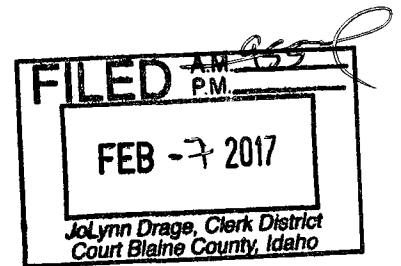
Paul L. Arrington
Barker Rosholt & Simpson, LLP
163 2nd Avenue West
P.O. Box 63
Twin Falls, ID 83301

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy (208) 735-2444

Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy (208) 287-0864


Heather E. O'Leary



Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for First Security Corporation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORPORATION; MOUNTAIN WEST
BANK, A DIVISION OF GLACIER
BANK; GBCI OTHER REAL ESTATE,
LLC; and DOES 1-5, unknown persons
who may claim an interest in the subject
water rights,

Defendants.

Case No. CV-2016-671

SUMMONS

ROBERT J. ELGEE

FIRST SECURITY CORPORATION,

Cross-claimant,

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-Defendant.

FIRST SECURITY CORPORATION,

Plaintiff,

v.

BELLE RANCH, LLC; JUSTIN FLOOD
STEVENSON; ELIZABETH BRETT
STEVENSON; and RABO
AGRIFINANCE, INC.

Defendants.

NOTICE

TO: SOUTH COUNTY ESTATES, LLC

YOU HAVE BEEN SUED. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND. READ THE INFORMATION BELOW.

If you want to defend this lawsuit, you must file a written response (Answer or appropriate Rule 12 I.R.C.P. Motion) to the Cross-Claim at the Court Clerk's office for the above-listed District Court at: 201 2nd Avenue South, Suite 110, Hailey, ID 83333; (208) 788-5505, within 21 days from the service of this Summons.

If you do not file a written response the court may enter a judgment against you without further notice. A letter to the Judge is not an appropriate written response.

The written response must comply with Rule 10(a) and other Idaho Rules of Civil Procedure and include: your name, mailing address and telephone number; or your attorney's name, mailing address and telephone number; and the title and number of this case.

If your written response is an Answer, it must state the things you agree with and those you disagree with that are in the Complaint. You must also state any defenses you have.

You must mail or deliver a copy of your response to the Plaintiff or Plaintiff's attorney (at the address listed above), and prove that you did.

To determine whether you must pay a filing fee with your response, contact the Clerk of the District Court.

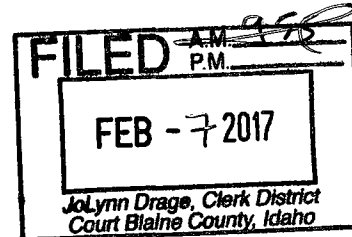
If you are considering talking to an attorney, you should do so quickly to protect your legal rights.

Date: 2/7/2017

CLERK OF THE DISTRICT COURT

Andrea Logan
Typed/printed name

By: Andrea Logan
Deputy Clerk



Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for First Security Corporation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORPORATION; MOUNTAIN WEST
BANK, A DIVISION OF GLACIER
BANK; GBCI OTHER REAL ESTATE,
LLC; and DOES 1-5, unknown persons
who may claim an interest in the subject
water rights,

Defendants.

Case No. CV-2016-671

SUMMONS

ROBERT J. ELGEE

FIRST SECURITY CORPORATION,

Cross-claimant,

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-Defendant.

FIRST SECURITY CORPORATION,

Plaintiff,

v.

BELLE RANCH, LLC; JUSTIN FLOOD
STEVENSON; ELIZABETH BRETT
STEVENSON; and RABO
AGRIFINANCE, INC.

Defendants.

NOTICE

TO: MOUNTAIN WEST BANK, A DIVISION OF GLACIER BANK

YOU HAVE BEEN SUED. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND. READ THE INFORMATION BELOW.

If you want to defend this lawsuit, you must file a written response (Answer or appropriate Rule 12 I.R.C.P. Motion) to the Cross-Claim at the Court Clerk's office for the above-listed District Court at: 201 2nd Avenue South, Suite 110, Hailey, ID 83333; (208) 788-5505, within 21 days from the service of this Summons.

If you do not file a written response the court may enter a judgment against you without further notice. A letter to the Judge is not an appropriate written response.

The written response must comply with Rule 10(a) and other Idaho Rules of Civil Procedure and include: your name, mailing address and telephone number; or your attorney's name, mailing address and telephone number; and the title and number of this case.

If your written response is an Answer, it must state the things you agree with and those you disagree with that are in the Complaint. You must also state any defenses you have.

You must mail or deliver a copy of your response to the Plaintiff or Plaintiff's attorney (at the address listed above), and prove that you did.

To determine whether you must pay a filing fee with your response, contact the Clerk of the District Court.

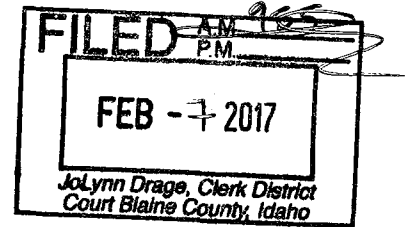
If you are considering talking to an attorney, you should do so quickly to protect your legal rights.

Date: 2/7/2017

CLERK OF THE DISTRICT COURT

Andrea Logan
Typed/printed name

By: [Signature]
Deputy Clerk



Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for First Security Corporation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORPORATION; MOUNTAIN WEST
BANK, A DIVISION OF GLACIER
BANK; GBCI OTHER REAL ESTATE,
LLC; and DOES 1-5, unknown persons
who may claim an interest in the subject
water rights,

Defendants.

Case No. CV-2016-671

SUMMONS

ROBERT J. ELGEE

FIRST SECURITY CORPORATION,

Cross-claimant,

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-Defendant.

FIRST SECURITY CORPORATION,

Plaintiff,

v.

BELLE RANCH, LLC; JUSTIN FLOOD
STEVENSON; ELIZABETH BRETT
STEVENSON; and RABO
AGRIFINANCE, INC.

Defendants.

NOTICE

TO: GBCI OTHER REAL ESTATE, LLC

YOU HAVE BEEN SUED. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND. READ THE INFORMATION BELOW.

If you want to defend this lawsuit, you must file a written response (Answer or appropriate Rule 12 I.R.C.P. Motion) to the Cross-Claim at the Court Clerk's office for the above-listed District Court at: 201 2nd Avenue South, Suite 110, Hailey, ID 83333; (208) 788-5505, within 21 days from the service of this Summons.

If you do not file a written response the court may enter a judgment against you without further notice. A letter to the Judge is not an appropriate written response.

The written response must comply with Rule 10(a) and other Idaho Rules of Civil Procedure and include: your name, mailing address and telephone number; or your attorney's name, mailing address and telephone number; and the title and number of this case.

If your written response is an Answer, it must state the things you agree with and those you disagree with that are in the Complaint. You must also state any defenses you have.

You must mail or deliver a copy of your response to the Plaintiff or Plaintiff's attorney (at the address listed above), and prove that you did.

To determine whether you must pay a filing fee with your response, contact the Clerk of the District Court.

If you are considering talking to an attorney, you should do so quickly to protect your legal rights.

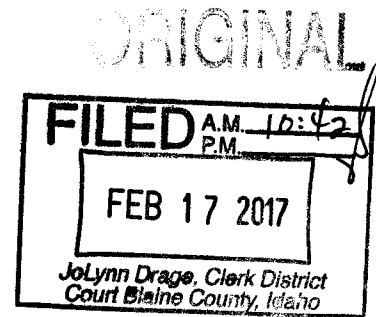
Date: 2/7/2017

Andrea Logan
Typed/printed name

CLERK OF THE DISTRICT COURT

By: [Signature]
Deputy Clerk

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076



Attorneys for Defendant/Cross-Claimant Big Stick, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

FIRST SECURITY CORPORATION,

Cross-claimant,

Case No. CV-2016-671

**DEFENDANT BIG STICK, LLC'S
AMENDED ANSWER TO VERIFIED
COMPLAINT FOR DECLARATORY
RELIEF AND TO QUIET TITLE TO
WATER RIGHTS AND CROSS-
CLAIM**

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-defendant.

BIG STICK, LLC, an Idaho limited liability
company,

Cross-claimant,

v.

MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK and GBCI OTHER
REAL ESTATE, LLC, an Idaho limited
liability company,

Cross-defendants.

Comes Now Defendant Big Stick, LLC ("Big Stick"), by and through its counsel of record, Lawson Laski Clark & Pogue, PLLC, and hereby files this amended answer to Belle Ranch, LLC's ("Belle Ranch") Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights ("Complaint"). Unless expressly admitted, Big Stick denies each and every allegation in the Complaint.

PARTIES

1. In answering the allegations contained in paragraph 1, Big Stick understands Belle Ranch is a limited liability company in good standing with the Idaho Secretary of State, and understands the address of Belle Ranch's registered agent is in Blaine County, Idaho. Big Stick is without knowledge as to Belle Ranch's primary place of business and therefore denies the allegation.

2. Big Stick admits the allegations contained in paragraph 2.

3. In answering the allegations contained in paragraph 3, Big Stick admits that it is an Idaho limited liability company with its primary place of business located in Blaine County, Idaho. Big Stick denies the remaining allegations contained in paragraph 3.

4. In answering the allegations contained in paragraph 4, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

5. In answering the allegations contained in paragraph 5, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

6. In answering the allegations contained in paragraph 6, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

7. In answering the allegations contained in paragraph 7, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

8. In answering the allegations contained in paragraph 8, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

9. In answering the allegations contained in paragraph 9, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

10. In answering the allegations contained in paragraph 10, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

VENUE AND JURISDICTION

11. In answering the allegations contained in paragraph 11, Big Stick admits jurisdiction is proper.

12. In answering the allegations contained in paragraph 12, Big Stick admits jurisdiction is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

13. In answering the allegations contained in paragraph 13, Big Stick admits venue is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

FACTUAL BACKGROUND

14. In answering the allegations contained in paragraph 14, Big Stick admits that the records of IDWR show that G. Chapman Petersen and Associates filed claims to the water rights enumerated therein.

15. In answering the allegations contained in paragraph 15, Big Stick admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property. Big Stick further states that the term “the Real Property” is not defined by Belle Ranch and therefore denies any allegations or inferences drawn in the Complaint as to “the Real Property.”

16. In answering the allegations contained in paragraph 16, Big Stick admits that the records of the Idaho Department of Water Resources (“IDWR”) show that in 2003, a Notice in Change in Water Right Ownership was filed with IDWR, changing the water right holder from G. Chapman Petersen and Associates-Idaho to South County. Big Stick admits the records of IDWR, which speak for themselves, include various Quitclaim Deeds conveying ownership to South County.

17. In answering the allegations contained in paragraph 17, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

18. In answering the allegations contained in paragraph 18, Big Stick states that the records cited therein speak for themselves.

19. In answering the allegations contained in paragraph 19, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

20. In answering the allegations contained in paragraph 20, Big Stick admits Mountain West Bank ("MWB") recorded a Mortgage in Blaine County, Idaho and that the Mortgage placed a lien on real property within Blaine County, Idaho that was identified within the Mortgage. Big Stick is without knowledge as to a modification of said Mortgage and therefore denies the allegation.

21. In answering the allegations contained in paragraph 21, Big Stick admits that South County Estates, LLC conveyed 2.8/289th of the Water Rights to Big Stick and that said quitclaim deed was properly recorded in Blaine County, Idaho. Big Stick further states that, thereafter, it leased the 2.8/289th of the Water Rights back to South County Estates, LLC on a seasonable basis. Big Stick denies the remaining allegations contained in paragraph 21.

22. In answering the allegations contained in paragraph 22, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

23. In answering the allegations contained in paragraph 23, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all

other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

24. In answering the allegations contained in paragraph 24, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

25. In answering the allegations contained in paragraph 25, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

26. In answering the allegations contained in paragraph 26, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

27. In answering the allegations contained in paragraph 27, Big Stick is without knowledge as to the conveyance of 7.5/289th of the Water Rights from South County to John Scherer and Charles Holt and neither admits nor denies the allegation as the documents and

Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

28. In answering the allegations contained in paragraph 28, Big Stick admits that the sum of some of the figures in paragraph 21-27 total 15.3. As to all other allegations or inferences contained therein, Big Stick denies the same.

29. In answering the allegations contained in paragraph 29, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

30. In answering the allegations contained in paragraph 30, Big Stick admits that South County executed a Deed in Lieu of Foreclosure to MWB, recorded on or about June 17, 2010 in Blaine County, Idaho. Big Stick alleges that South County could only convey what right, title, and interest it held, and that MWB could only receive the same. Big Stick denies all other allegations therein.

31. In answering the allegations contained in paragraph 31, Big Stick states that the language in the Deed in Lieu speaks for itself. Big Stick denies all other allegations therein.

32. In answering the allegations contained in paragraph 32, Big Stick admits that on or about June 17, 2010, MWB executed a Deed in favor of GBCI Other Real Estate, LLC ("GBCI"), recorded in Blaine County, Idaho and that said document speaks for itself. Big Stick admits that MWB could only convey what right, title and interest it received as a result of the Deed in Lieu of Foreclosure, and that GBCI could therefore only receive the same. Big Stick denies the allegation contained in paragraph 32 that MWB and GBCI were deeded all of the "Real Property and appurtenant water rights."

33. In answering the allegations contained in paragraph 33, Big Stick admits that the SRBA website shows Special Master Recommendations were issued on June 28, 2010 and that

those documents speak for themselves, including the certificate of service. Big Stick denies that the recommendation for water right no. 37-481C was in the name of South County.

34. In answering the allegations contained in paragraph 34, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the Special Master Recommendations or whether or not the decree “was in error” and therefore denies the same.

35. In answering the allegations contained in paragraph 35, Big Stick admits that the SRBA website shows amended Special Master Recommendations were issued on July 9, 2010, purportedly to correct an error regarding water right no. 37-481C. Big Stick admits the documents speak for themselves, including the certificate of service. Big Stick denies the remaining allegations contained in paragraph 35.

36. In answering the allegations contained in paragraph 36, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the amended Special Master recommendations or whether or not the decree “was in error” and denies the same.

37. In answering the allegations contained in paragraph 37, Big Stick admits that the SRBA website shows partial decrees were issued by the SRBA district court on August 31, 2010, listing the name and address of South County. Big Stick admits the documents speak for themselves, including the certificate of service and the Rule 54(b) certification.

38. In answering the allegations contained in paragraph 38, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees or to set aside the partial decrees “before Basin 37 was closed for claims, before the Final Unified Decree was issued or since” and denies the same.

39. In answering the allegations contained in paragraph 39, Big Stick alleges that approximately 11 months after entry of the SRBA partial decrees (*see* Idaho Code § 42-248), MWB filed a Notice in Change of Ownership with IDWR, sometime in the latter part of July 2011, seeking to change the name and address of the water right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to MWB. MWB included its June 17, 2010 Deed in Lieu of Foreclosure and Assignment Deed from South County as evidence to IDWR that the change should be made as to the entirety of the water rights. Big Stick alleges that the deeds of record in Blaine County, Idaho show that MWB did not have right, title, and interest as to Big Stick's 2.8/289th interest in the water rights, as MWB, on or about October 14, 2009, had already released its interest in the 2.8/289th, that South County recorded a Quitclaim Deed in Blaine County, Idaho on or around October 14, 2009 conveying the same interest in the 2.8/289th to Big Stick. Big Stick alleges that the deeds of record in Blaine County, Idaho show that, in the latter part of July 2011, when MWB sought to make the change from South County to MWB, that MWB was not the proper party to make the request to IDWR, as on or about June 17, 2010, MWB had conveyed its interest to GBCI. Big Stick is without knowledge and therefore denies that IDWR notified MWB that the Ownership Change request had been completed and that the records for the Water Rights reflected that MWB owned the Water Rights, in their entirety. Big Stick alleges that MWB had no legal right to alter Big Stick's right, title and interest to Big Stick's water rights. Big Stick denies that IDWR properly processed MWB's Notice of Change in Ownership. Big Stick admits that Idaho Code § 42-248¹ speaks for itself and denies any inferences drawn in the Complaint. Big Stick is without

¹ Belle Ranch cites to "Idaho Code § 42-284(3)" in its Complaint regarding filing notices of change of ownership with IDWR. Big Stick denies there is a section of Idaho Code denominated as "Idaho Code § 42-284(3)" as Chapter 2, Title 42 of the Idaho Code ends at section 250. Big Stick infers Belle Ranch is referring to Idaho Code § 42-248, and therefore bases its answers as to "Idaho Code § 42-284(3)" on Idaho Code § 42-248.

knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR change and therefore denies the same.

40. In answering the allegations contained in paragraph 40, Big Stick admits that, on approximately December 20, 2011, GBCI conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Special Warranty Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Special Warranty Deed, Big Stick admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

41. In answering the allegations contained in paragraph 41, Big Stick admits that, on approximately December 21, 2011, MWB conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Quitclaim Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Quitclaim Deed, Big Stick admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

42. In answering the allegations contained in paragraph 42, Big Stick admits that, on or about February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a Notice of Change in Water Right Ownership with IDWR seeking to change the name and address of the right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch. Big Stick admits that, on or about March 7, 2012, the change was processed by IDWR. Big Stick denies that IDWR properly processed the change. Big Stick alleges that the deeds submitted by Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, were the deeds they received from MWB and GBCI but that the chain of title was incomplete. Big Stick admits Idaho Code § 42-248 speaks for itself and denies any inferences

drawn in the Complaint. Big Stick is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR changes and therefore denies the same. Big Stick denies the IDWR's processing of the change of ownership actually changed ownership and asserts that IDWR's processing of the change of ownership cannot circumvent actual valid deeds.

43. In answering the allegations contained in paragraph 43, Big Stick admits an Application for Transfer of Water Rights was filed with IDWR, but is without knowledge as to the specific date said application was filed. Big Stick is without knowledge as to who the precise applicants were and neither admits nor denies that the Application was filed by Belle Ranch and John Stevenson. Big Stick admits that Idaho Code § 42-222 speaks for itself and denies any inferences drawn in the Complaint. Big Stick is without knowledge as to who may have received Notice of the Transfer and denies the same. Big Stick admits that IDWR processed the Transfer. Big Stick denies that the Transfer correctly reflected the name and address of Belle Ranch as the right holder, and as previously stated, that changing ownership from MWB to Belle Ranch perpetuated the error and that Big Stick denies that any notice was sent to it. Big Stick further denies that the Transfer could or did change ownership of the water rights. Big Stick denies the remaining allegations contained in paragraph 43.

44. In answering the allegations contained in paragraph 44, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

45. In answering the allegations contained in paragraph 45, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

46. In answering the allegations contained in paragraph 46, Big Stick denies that Belle Ranch acquired all of South County's interest in the water rights. Big Stick admits that the documents on file with IDWR speak for themselves. Big Stick denies any inference or allegation made by Belle Ranch that the SRBA had jurisdiction or authority to quiet title as to ownership of water rights. Idaho Code § 6-401.

47. In answering the allegations contained in paragraph 47, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

48. In answering the allegations contained in paragraph 48, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

49. In answering the allegations contained in paragraph 49, Big Stick admits that it submitted a Notice of Change in Water Right Ownership to IDWR on or around June 3, 2016 and that the document speaks for itself. Big Stick denies the inference that the 2.8/289th of said water rights were not conveyed. Big Stick asserts that the 2.8/289th of said water rights are owned by Big Stick. Big Stick is without knowledge as to whether Belle Ranch received notice of the filing and therefore denies the same.

50. In answering the allegations contained in paragraph 50, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

51. In answering the allegations contained in paragraph 51, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

52. In answering the allegations contained in paragraph 52, Big Stick admits that it received an email from IDWR regarding the ownership change request and states that the document speaks for itself.

53. In answering the allegations contained in paragraph 53, Big Stick admits that the 2010 Deed in Lieu is but one of a number of documents in the chain of title, both prior to and after issuance of the SRBA decrees, that took place as to the water rights at issue. Big Stick is without knowledge as to whether any of the “Defendants have beneficially used any portion of the Water Rights” and therefore denies the same.

54. In answering the allegations contained in paragraph 54, Big Stick is without knowledge as to the records cited therein and therefore denies the same.

COUNT ONE
QUIET TITLE TO WATER RIGHTS IN THE NAME OF BELLE RANCH

55. In answering the allegations contained in paragraph 55, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

56. In answering the allegations contained in paragraph 56, Big Stick denies that it has no legal interest in the water rights and denies the same. Big Stick is without knowledge as to the legal interests of the other Defendants and neither admits nor denies the same.

57. In answering the allegations contained in paragraph 57, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

58. In answering the allegations contained in paragraph 58, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

59. In answering the allegations contained in paragraph 59, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

60. In answering the allegations contained in paragraph 60, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

61. In answering the allegations contained in paragraph 61, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees and neither admits nor denies the same.

62. In answering the allegations contained in paragraph 62, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

63. In answering the allegations contained in paragraph 63, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

64. In answering the allegations contained in paragraph 64, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

65. In answering the allegations contained in paragraph 65, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

66. In answering the allegations contained in paragraph 66, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

67. In answering the allegations contained in paragraph 67, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

68. In answering the allegations contained in paragraph 68, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

69. In answering the allegations contained in paragraph 69, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

70. In answering the allegations contained in paragraph 70, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

71. In answering the allegations contained in paragraph 71, Big Stick denies Belle Ranch is entitled to quiet title as to any interest Belle Ranch now claims in the 2.8/289th of water rights.

**COUNT TWO
DECLARATORY RELIEF
(SRBA Decree Quieted Title In South County Estates, LLC)**

72. In answering the allegations contained in paragraph 72, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

73. In answering the allegations contained in paragraph 73, Big Stick admits that Idaho Code § 10-1201 speaks for itself and admits a district court has jurisdiction for such purposes.

74. In answering the allegations contained in paragraph 74, Big Stick admits that Idaho Code § 42-1401 *et seq.* speaks for itself concerning the SRBA district court.

75. In answering the allegations contained in paragraph 75, Big Stick states that Idaho Codes §§ 42-1411(2) and 42-1412(6) speak for themselves.

76. In answering the allegations contained in paragraph 76, Big Stick states that Idaho Code § 42-1401A(1) speaks for itself.

77. In answering the allegations contained in paragraph 77, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

78. In answering the allegations contained in paragraph 78, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. Big Stick further denies that Belle Ranch is “the” successor-in-interest to South County.

79. In answering the allegations contained in paragraph 79, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. Big Stick further states that no portion of said water rights were claimed or decreed in the name of Belle Ranch.

80. In answering the allegations contained in paragraph 80, Big Stick states that the identified document speaks for itself.

81. In answering the allegations contained in paragraph 81, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

82. In answering the allegations contained in paragraph 81, Big Stick denies the legal conclusion asserted by Belle Ranch.

COUNT THREE
DECLARATORY RELIEF
(Ownership Claims Barred By Statute Of Limitations)

83. In answering the allegations contained in paragraph 83, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

84. In answering the allegations contained in paragraph 84, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

85. In answering the allegations contained in paragraph 85, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

86. In answering the allegations contained in paragraph 86, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

87. In answering the allegations contained in paragraph 87, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

88. In answering the allegations contained in paragraph 88, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

89. In answering the allegations contained in paragraph 89, Big Stick denies the legal conclusion asserted by Belle Ranch.

**COUNT FOUR
DECLARATORY RELIEF
(IDWR Transfer Proceedings Confirmed That Belle Ranch Owns The Water Rights)**

90. In answering the allegations contained in paragraph 90, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

91. In answering the allegations contained in paragraph 91, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

92. In answering the allegations contained in paragraph 92, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

93. In answering the allegations contained in paragraph 93, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

94. In answering the allegations contained in paragraph 94, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

95. In answering the allegations contained in paragraph 95, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

96. In answering the allegations contained in paragraph 96, Big Stick denies the legal conclusion asserted by Belle Ranch.

COUNT FIVE QUASI-ESTOPPEL/WAIVER

97. In answering the allegations contained in paragraph 97, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

98. In answering the allegations contained in paragraph 98, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

99. In answering the allegations contained in paragraph 99, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

100. In answering the allegations contained in paragraph 100, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

101. In answering the allegations contained in paragraph 101, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

102. In answering the allegations contained in paragraph 102, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

103. In answering the allegations contained in paragraph 103, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

104. In answering the allegations contained in paragraph 104, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

105. In answering the allegations contained in paragraph 105, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

106. In answering the allegations contained in paragraph 106, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

107. In answering the allegations contained in paragraph 107, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

108. In answering the allegations contained in paragraph 108, Big Stick is without knowledge of Belle Ranch's belief and therefore denies the same.

109. In answering the allegations contained in paragraph 109, Big Stick denies Belle Ranch is entitled to the relief sought.

COUNT SIX
ABANDONMENT AND/OR FORFEITURE OF INTEREST IN WATER RIGHTS

110. In answering the allegations contained in paragraph 110, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

111. In answering the allegations contained in paragraph 111, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

112. In answering the allegations contained in paragraph 112, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

113. In answering the allegations contained in paragraph 113, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

114. In answering the allegations contained in paragraph 114, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

115. In answering the allegations contained in paragraph 115, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

116. In answering the allegations contained in paragraph 116, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

117. In answering the allegations contained in paragraph 117, Big Stick denies that Belle Ranch is entitled to the relief sought.

118. In answering the allegations contained in paragraph 118, Big Stick denies that Belle Ranch is entitled to the relief sought.

COUNT SEVEN
IMPLIED TRUST/CONSTRUCTIVE TRUST

119. In answering the allegations contained in paragraph 119, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

120. In answering the allegations contained in paragraph 120, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

121. In answering the allegations contained in paragraph 121, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

122. In answering the allegations contained in paragraph 122, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

123. In answering the allegations contained in paragraph 123, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

124. In answering the allegations contained in paragraph 124, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

125. In answering the allegations contained in paragraph 125, Big Stick denies it would be unconscionable for Big Stick to have title to the water rights it owns.

126. In answering the allegations contained in paragraph 126, Big Stick denies that Belle Ranch is entitled to the relief sought.

BELLE RANCH'S CLAIM FOR ATTORNEYS FEES

Big Stick denies that Belle Ranch is entitled to an award of its reasonable costs and attorney's fees incurred in this suit, as Belle Ranch is attempting to obtain relief for water rights to which it has no legal right, title or interest.

BELLE RANCH'S CLAIM FOR RELIEF

Big Stick states as follows:

A. Belle Ranch is not entitled to quiet title as to any interest Belle Ranch now claims in the 2.8/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 owned by Big Stick;

B. Belle Ranch is not entitled to a declaratory judgment as to any interest Belle Ranch now claims in Big Stick's water rights;

C. Belle Ranch is not entitled to relief claimed by quasi-estoppel and/or waiver as to Big Stick's water rights;

D. Belle Ranch is not entitled to relief seeking to create a constructive trust for Belle Ranch and ordering Big Stick to convey Big Stick's water rights;

E. Belle Ranch is not entitled to enjoin Big Stick, its assigns, or successors from its estate, right, title, claim, lien or interest in Big Stick's water rights; and

F. The Court deny Belle Ranch's Complaint and dismiss the entirety of this action, with prejudice.

BIG STICK'S AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint should be dismissed for failure to state a claim upon which relief can be granted as to Belle Ranch's purported interest in Big Stick's water rights.

SECOND DEFENSE

The Complaint should be dismissed as a result of waiver, laches, estoppel/quasi-estoppel, and/or failure or lack of consideration as to Belle Ranch's purported interest in Big Stick's water rights.

THIRD DEFENSE

The Complaint should be dismissed as a result of Belle Ranch coming to this Court with unclean hands as to Belle Ranch's interest in Big Stick's water rights.

FOURTH DEFENSE

The Complaint should be dismissed as any relief granted to Belle Ranch concerning Belle Ranch's purported interest in Big Stick's water rights as Belle Ranch would be unjustly enriched and the result would be unconscionable.

FIFTH DEFENSE

If the Complaint is not dismissed, and if Belle Ranch does assert a valid legal theory concerning a statute of limitations, any statute of limitations was tolled as to Big Stick until the controversy arose.

SIXTH DEFENSE

The Complaint should be dismissed for lack of consideration as to Belle Ranch's purported interest in Big Stick's water rights.

SEVENTH DEFENSE

The Complaint should be dismissed as to lack of damages concerning Belle Ranch's lack of interest in Big Stick's water rights.

EIGHTH DEFENSE

Big Stick has not been able to engage in full discovery of the facts relevant to this case and is unable to fully state in complete detail all of the affirmative defenses that may exist with respect to the Complaint. Big Stick reserves the right to assert additional affirmative defenses by amendment to its Answer.

REQUEST FOR ATTORNEY'S FEES AND COSTS

Big Stick has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC, to defend this matter and is entitled to recovery of attorney's fees and costs pursuant to Idaho Codes §§ 12-120, 12-121, Idaho Rule of Civil Procedure 54 and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

WHEREFORE, Defendant Big Stick prays as follows:

1. That Belle Ranch's Complaint be dismissed in its entirety, with prejudice and Belle Ranch take nothing;
2. That Big Stick be awarded its reasonable costs and attorney's fees incurred in defending this action as prayed for in the Answer; and
3. For any such other and further relief as this Court deems just and proper.

CROSS-CLAIM

COMES NOW the Cross-claimant, Big Stick, LLC ("Big Stick") to allege a Cross-Claim for quiet title against Mountain West Bank, a division of Glacier Bank and GBCI Other Real Estate, LLC.

PARTIES AND JURISDICTION

1. Glacier Bank, transacting business in Idaho as Mountain West Bank, a division of Glacier Bank ("Mountain West"), is a bank doing business in the State of Idaho, including Blaine County, Idaho. According to the Secretary of State, the registered agent is Russel K. Porter, located at 125 Ironwood Drive, Coeur d'Alene, Idaho 83814.

2. GBCI Real Estate, LLC ("GBCI") is an Idaho limited liability company doing business in the State of Idaho, including Blaine County, Idaho. The registered agent is Russ Porter, located at 101 Ironwood Drive, Suite 210, Coeur d'Alene, Idaho, 83814.

3. This court has jurisdiction over this matter pursuant to Idaho Code § 5-514(c) arising from the disputed ownership of water rights nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630, which were decreed by the Snake River Basin Adjudication ("SRBA") District Court to South County. Consistent with the deeds recorded in Blaine County, Idaho, Big Stick owns 2.8/289th of the water rights decreed by the SRBA District Court. Big Stick seeks only to quiet title as to its ownership interest that is consistent with the deeds of record in Blaine County, Idaho.

4. Water rights are real property. Idaho Code § 55-101(1).

5. Pursuant to Idaho Code § 6-401, this Court has the authority to quiet title as to the ownership of water rights.²

6. Venue in this matter is proper before this Court pursuant to Idaho Code § 5-401 because the real property is located in Blaine County, Idaho.

² "An action may be brought by any person against another who claims an estate or interest in real or personal property adverse to him, for the purpose of determining such adverse claim, provided that all actions to adjudicate water rights and obtain such a decree as to water source, quantity, point of diversion, place of use, nature of use, period of use, and priority as against other water users shall be brought under the provision of chapter 14, title 42, Idaho Code." IDAHO CODE § 6-401.

COMMON ALLEGATIONS

7. The real property that is the subject of this Cross-Claim are water rights. Water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 (the “Water Rights”) were claimed in the SRBA by South County Estates, LLC (“South County”).

8. On December 7, 2007, South County conveyed 2.8/289th of the Water Rights to “BIG STICK, LLC” by quitclaim deed (the “Big Stick Quitclaim Deed”). The Big Stick Quitclaim Deed was recorded in Blaine County, Idaho on December 14, 2007, as Instrument No. 554098. The Big Stick Quitclaim Deeds states that South County “bargains, sells, remises, releases, conveys and forever quitclaims to BIG STICK, LLC . . . all of their right, title and interest” which it had in the Water Rights.

9. On June 13, 2008, Mountain West Bank, due to its mortgage with South County, filed a *Notice of Security Interest in a Water Right* with the Idaho Department of Water Resources (“IDWR”).³ The Mountain West *Notice of Security Interest in a Water Right* was acknowledged by IDWR on June 20, 2008. Mountain West’s mortgage was recorded in Blaine County on October 14, 2005, as Instrument No. 527439 (the “MWB Mortgage”). The MWB Mortgage was included with the aforementioned *Notice of Security Interest in a Water Right* filed by Mountain West with IDWR.

10. On October 14, 2009, Mountain West recorded a Partial Release of Lien in Blaine County, as Instrument No. 574996, wherein Mountain West released the lien of the MWB Mortgage (as described above and therein) to 2.8/289th of the Water Rights (the “MWB Partial Release”). The MWB Partial Release states: “that the lien of the Mortgage be released as it relates to the Water Rights appurtenant to the 2.8 acres of real property identified on the legal

³ The documents cited to hereinafter are attached to the Verified Complaint to Quiet Title, filed in Case No. CV-2016-683, and are incorporated herein by reference.

description attached hereto as Exhibit 'A' and incorporated herein by this reference which are the subject of a quitclaim deed dated December 7, 2007 to BIG STICK, LLC, an Idaho limited liability company and that the Notice of Security Interest in a Water Right filed with the Idaho Department of Water Resources be waived to the limited extent it relates to the Water Rights described above."

11. South County, after having already conveyed the 2.8/289th of the Water Rights to Big Stick, by the Big Stick Quitclaim Deed, quitclaimed the remaining interest in the Water Rights by a *Deed in Lieu of Foreclosure* to Mountain West, which was recorded in Blaine County on June 17, 2010, by Instrument No. 578331 (the "MWB Deed in Lieu").

12. Thereafter, on June 17, 2010, Mountain West conveyed its interest in the property described in the MWB Deed in Lieu to GBCI Other Real Estate, LLC ("GBCI") by Deed, recorded in Blaine County as Instrument No. 578364 (the "MWB/GBCI Deed"). Such conveyance was specifically subject to the aforementioned Partial Release of Water Rights, recorded as Instrument Nos. 574996. Thus, 2.8/289th of the Water Rights were owned by Big Stick.

13. On August 31, 2010, the SRBA District Court issued *Partial Decrees* to South County for the Water Rights as summarized below:

Water Right No.	Priority Date	Diversion Rate (cfs)
37-481C	8/1/1882	3.014
37-577BT	3/24/1883	2.2
37-482H	8/1/1884	3.012
37-483C	8/1/1902	15.086
37-2630	2/2/1960	3.75

14. On July 22, 2011, after the SRBA partial decrees were issued in the name of South County, Mountain West filed a *Notice of Change in Water Right Ownership* with IDWR for the Water Rights, referencing the MWB Deed in Lieu as the basis for the change in ownership. Mountain West filed the *Notice of Change in Water Right Ownership* even though Mountain West had: (a) previously released its interest in 2.8/289th of the Water Rights; and (b) subsequently conveyed its interest obtained through the MWB Deed in Lieu to GBCI. On September 13, 2011, IDWR processed Mountain West's change of ownership for the entirety of the Water Rights.

15. IDWR maintains and updates water right ownership records pursuant to Idaho Code § 42-248. When a *Notice of Change in Water Right Ownership* is filed, IDWR verifies that the form has been filled out correctly, that the appropriate filing fee has been paid, and that the conveyance document(s) appear proper. If the conveyance document(s) appear proper, IDWR will change ownership of the water right(s), and will notify the prior owner. In the event of disputed ownership, IDWR directs the parties to quiet title in a district court because IDWR does not have the legal authority to determine ownership of a water right.

16. On December 22, 2011, GBCI conveyed, "without Warranty," the Water Rights to Belle Ranch by Special Warranty Deed, recorded in Blaine County on December 22, 2011, as Instrument No. 593252 (the "Special Warranty Deed").

17. Also, on December 22, 2011, Mountain West quitclaimed any interest it had in the Water Rights to Belle Ranch (the "MWB Quitclaim Deed"), recorded December 22, 2011, as Instrument No. 593254.

18. GBCI and Mountain West never obtained ownership of the 2.8/289th of the Water Rights owned by Big Stick as a result of the MWB Partial Release and the foregoing Big Stick

Quitclaim Deed. These documents were recorded in the real property records of Blaine County prior to the recording of the MWB Deed in Lieu and all subsequently recorded deeds.

Accordingly, neither GBCI nor Mountain West could convey the 2.8/289th of the Water Rights to Belle Ranch.

19. On February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a *Notice of Change in Water Right Ownership* with IDWR as to the Water Rights. The conveyance documents submitted by Justin Stevenson and Brett Stevenson to IDWR were: (a) the December 22, 2011, GBCI Special Warranty Deed; and (b) the December 22, 2011 MWB Quitclaim Deed. On March 7, 2012, IDWR processed the change of ownership to Belle Ranch for the entire Water Rights.

20. On August 31, 2012, and as a result of the mortgage executed by Belle Ranch, Rabo Agrifinance filed a *Notice of Security in a Water Right* with IDWR.

21. On September 10, 2012, IDWR acknowledged Rabo Agrifinance's security interest.

22. On June 3, 2016, counsel for Big Stick sent IDWR a letter requesting that ownership of the Water Rights be split so as to recognize Big Stick's 2.8/289th ownership, and included the aforementioned deeds recorded in Blaine County, Idaho to demonstrate ownership.

23. Thereafter, IDWR informed Big Stick's counsel that it would not process the June 3, 2016 *Notice of Change in Water Right Ownership*.

24. To date, Belle Ranch is still listed with IDWR as the owner of the Water Rights.

QUIET TITLE

25. The foregoing paragraphs are incorporated herein by this reference and restated as if set forth in full.

26. Pursuant to Idaho Codes §§ 6-401 to 6-418, Big Stick is entitled to a decree quieting title and decreeing and declaring that it owns 2.8/289th of the Water Rights.

27. Pursuant to Idaho Codes §§ 6-401 to 6-418, Big Stick is entitled to a decree quieting title and decreeing and declaring that any rights of Mountain West and GBCI in Big Stick's 2.8/289th interest in Water Rights are void.

28. Consistent with the foregoing, an order and judgment should be entered by this Court quieting title to Big Stick to the 2.8/289th interest in the Water Rights.

ATTORNEYS' FEES AND COSTS

29. Big Stick has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC to represent it in this matter and is entitled to recovery of attorneys' fees and costs pursuant to Idaho Codes §§ 12-120, 12-121 and Idaho Rule of Civil Procedure 54 and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

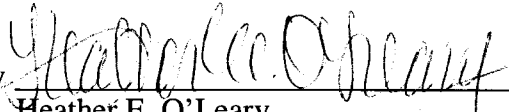
WHEREFORE, Big Stick prays that this Court enter the following relief:

1. For a decree quieting title against Mountain West and GBCI and finding that Big Stick is the sole owner of 2.8/289th of the Water Rights, which is consistent with the recorded deeds.
2. For an award of attorneys' fees and costs as prayed for in this Cross-Claim; and
3. For such other and further relief as this Court may deem just and proper.

DATED THIS 17th day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By

A handwritten signature in cursive script, appearing to read "Heather E. O'Leary", written over a horizontal line.

Heather E. O'Leary
Attorneys for Defendant/Cross-claimant
Big Stick, LLC

CERTIFICATE OF SERVICE

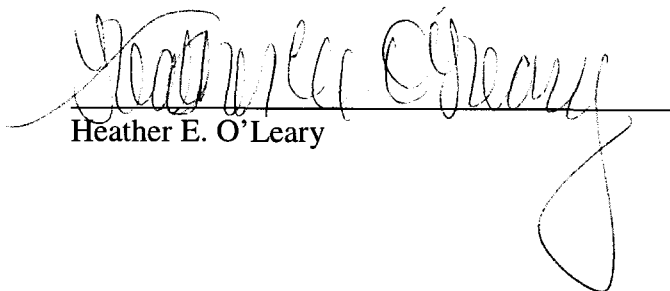
The undersigned hereby certifies that on February 17th, 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 344-6034

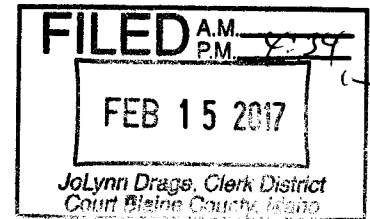
Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 287-0864


Heather E. O'Leary

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076

Attorneys for Defendant South County Estates, LLC



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; SOUTH COUNTY,
LLC, an administratively dissolved Idaho
limited liability company; PENSICO
TRUST COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-2016-671

**DEFENDANT SOUTH COUNTY
ESTATES, LLC'S ANSWER TO
VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND TO
QUIET TITLE TO WATER RIGHTS**

Comes Now Defendant South County Estates, LLC ("South County"), by and through its counsel of record, Lawson Laski Clark & Pogue, PLLC, and hereby files this answer to Belle Ranch, LLC's ("Belle Ranch") Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights ("Complaint"). Unless expressly admitted, South County denies each and every allegation in the Complaint.

PARTIES

1. In answering the allegations contained in paragraph 1, South County understands Belle Ranch is a limited liability company in good standing with the Idaho Secretary of State, and understands the address of Belle Ranch's registered agent is in Blaine County, Idaho. South County is without knowledge as to Belle Ranch's primary place of business and therefore denies the allegation.

2. South County admits the allegations contained in paragraph 2 and affirmatively states that it is a dissolved limited liability company acting in the capacity of winding up the limited liability company's affairs pursuant to Idaho Code § 30-25-702.

3. In answering the allegations contained in paragraph 3, South County is without knowledge as to the contents therein and therefore denies the allegations.

4. In answering the allegations contained in paragraph 4, South County is without knowledge as to the contents therein and therefore denies the allegations.

5. In answering the allegations contained in paragraph 5, South County is without knowledge as to the contents therein and therefore denies the allegations.

6. In answering the allegations contained in paragraph 6, South County is without knowledge as to the contents therein and therefore denies the allegations.

7. In answering the allegations contained in paragraph 7, South County is without knowledge as to the contents therein and therefore denies the allegations.

8. In answering the allegations contained in paragraph 8, South County is without knowledge as to the contents therein and therefore denies the allegations.

9. In answering the allegations contained in paragraph 9, South County is without knowledge as to the contents therein and therefore denies the allegations.

10. In answering the allegations contained in paragraph 10, South County is without knowledge as to the contents therein and therefore denies the allegations.

VENUE AND JURISDICTION

11. In answering the allegations contained in paragraph 11, South County admits jurisdiction is proper.

12. In answering the allegations contained in paragraph 12, South County admits jurisdiction is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

13. In answering the allegations contained in paragraph 13, South County admits venue is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

FACTUAL BACKGROUND

14. In answering the allegations contained in paragraph 14, South County admits that the records of IDWR show that G. Chapman Petersen and Associates filed claims to the water rights enumerated therein.

15. In answering the allegations contained in paragraph 15, South County admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn

concerning appurtenancy to real property. South County further states that the term “the Real Property” is not defined by Belle Ranch and therefore denies any allegations or inferences drawn in the Complaint as to “the Real Property.”

16. In answering the allegations contained in paragraph 16, South County admits that the records of the Idaho Department of Water Resources (“IDWR”) show that in 2003, a Notice in Change in Water Right Ownership was filed with IDWR, changing the water right holder from G. Chapman Petersen and Associates-Idaho to South County. South County admits the records of IDWR, which speak for themselves, include various Quitclaim Deeds conveying ownership to South County.

17. In answering the allegations contained in paragraph 17, South County states that the records cited therein speak for themselves.

18. In answering the allegations contained in paragraph 18, South County states that the records cited therein speak for themselves.

19. In answering the allegations contained in paragraph 19, South County states that the records cited therein speak for themselves.

20. In answering the allegations contained in paragraph 20, South County admits Mountain West Bank (“MWB”) recorded a Mortgage in Blaine County, Idaho and that the Mortgage placed a lien on real property within Blaine County, Idaho that was identified within the Mortgage. South County is without knowledge as to a modification of said Mortgage and therefore denies the allegation.

21. In answering the allegations contained in paragraph 21, South County admits that it conveyed 2.8/289th of the Water Rights to Big Stick and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County further states that, thereafter, Big Stick leased

the 2.8/289th of the Water Rights back to South County on a seasonable basis. South County denies the remaining allegations contained in paragraph 21.

22. In answering the allegations contained in paragraph 22, South County admits that it conveyed 1/289th of the Water Rights to Defendant Fosbury IRA and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 22.

23. In answering the allegations contained in paragraph 23, South County admits that it conveyed 1/289th of the Water Rights to Defendant Holt IRA and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 23.

24. In answering the allegations contained in paragraph 24, South County admits that it conveyed 1/289th of the Water Rights to Defendant Holt IRA and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 24.

25. In answering the allegations contained in paragraph 25, South County admits that it conveyed 1/289th of the Water Rights to Defendant Fosbury IRA and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 25.

26. In answering the allegations contained in paragraph 26, South County admits that it conveyed 1/289th of the Water Rights to Defendant Holt IRA and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 26.

27. In answering the allegations contained in paragraph 27, South County admits that it conveyed 7.5/289th of the Water Rights to John Scherer and Charlie Holt and that said quitclaim deed was properly recorded in Blaine County, Idaho. South County denies the remaining allegations contained in paragraph 27.

28. In answering the allegations contained in paragraph 28, South County admits that the sum of some of the figures in paragraph 21-27 total 15.3. As to all other allegations or inferences contained therein, South County denies the same.

29. South County is without knowledge regarding the allegations contained in paragraph 29 and therefore denies the same.

30. In answering the allegations contained in paragraph 30, South County admits that it executed a Deed in Lieu of Foreclosure to MWB, recorded on or about June 17, 2010 in Blaine County, Idaho. South County denies all other allegations therein.

31. In answering the allegations contained in paragraph 31, South County states that the language in the Deed in Lieu speaks for itself. South County denies all other allegations therein.

32. In answering the allegations contained in paragraph 32, South County admits that on or about June 17, 2010, MWB executed a Deed in favor of GBCI Other Real Estate, LLC ("GBCI"), recorded in Blaine County, Idaho and that said document speaks for itself. South County admits that MWB could only convey what right, title and interest it received as a result of the Deed in Lieu of Foreclosure, and that GBCI could therefore only receive the same. South County denies the allegation contained in paragraph 32 that MWB and GBCI were deeded all of the "Real Property and appurtenant water rights."

33. In answering the allegations contained in paragraph 33, South County admits that the SRBA website shows Special Master Recommendations were issued on June 28, 2010 and that those documents speak for themselves, including the certificate of service. South County denies that the recommendation for water right no. 37-481C was in its name.

34. In answering the allegations contained in paragraph 34, South County is without knowledge as to whether any of the Defendants “made any effort to challenge” the Special Master Recommendations or whether or not the decree “was in error” and therefore denies the same.

35. In answering the allegations contained in paragraph 35, South County admits that the SRBA website shows amended Special Master Recommendations were issued on July 9, 2010, purportedly to correct an error regarding water right no. 37-481C. South County admits the documents speak for themselves, including the certificate of service. South County denies the remaining allegations contained in paragraph 35.

36. In answering the allegations contained in paragraph 36, South County is without knowledge as to whether any of the Defendants “made any effort to challenge” the amended Special Master recommendations or whether or not the decree “was in error” and denies the same.

37. In answering the allegations contained in paragraph 37, South County admits that the SRBA website shows partial decrees were issued by the SRBA district court on August 31, 2010, listing the name and address of South County. South County admits the documents speak for themselves, including the certificate of service and the Rule 54(b) certification.

38. In answering the allegations contained in paragraph 38, South County is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial

decrees or to set aside the partial decrees “before Basin 37 was closed for claims, before the Final Unified Decree was issued or since” and denies the same.

39. In answering the allegations contained in paragraph 39, South County alleges that approximately 11 months after entry of the SRBA partial decrees (*see* Idaho Code § 42-248), MWB filed a Notice in Change of Ownership with IDWR, sometime in the latter part of July 2011, seeking to change the name and address of the water right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to MWB. MWB included its June 17, 2010 Deed in Lieu of Foreclosure and Assignment Deed from South County as evidence to IDWR that the change should be made as to the entirety of the water rights. South County alleges that the deeds of record in Blaine County, Idaho show that MWB did not have right, title, and interest as to 15.3/289th interest in the water rights, as MWB, on or about June 25, 2009 released its interest in 7.5/289th of the water rights and, thereafter, on October 14, 2009, released its interest in 7.8/289th of the water rights, that South County recorded Quitclaim Deeds in Blaine County, Idaho conveying the same interest in the 15.3/289th to Defendants Big Stick, Fosbury IRA, Holt IRA and John Scherer and Charlie Holt. South County alleges that the deeds of record in Blaine County, Idaho show that, in the latter part of July 2011, when MWB sought to make the change from South County to MWB, that MWB was not the proper party to make the request to IDWR, as on or about June 17, 2010, MWB had conveyed its interest to GBCI. South County is without knowledge and therefore denies that IDWR notified MWB that the Ownership Change request had been completed and that the records for the Water Rights reflected that MWB owned the Water Rights, in their entirety. South County alleges that MWB had no legal right to alter Defendants Big Stick, Fosbury IRA, Holt IRA and John Scherer and Charlie Holt’s right, title and interest to their water rights. South

County denies that IDWR properly processed MWB's Notice of Change in Ownership. South County admits that Idaho Code § 42-248¹ speaks for itself and denies any inferences drawn in the Complaint. South County is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR change and therefore denies the same.

40. In answering the allegations contained in paragraph 40, South County admits that, on approximately December 20, 2011, GBCI conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Special Warranty Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Special Warranty Deed, South County admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

41. In answering the allegations contained in paragraph 41, South County admits that, on approximately December 21, 2011, MWB conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Quitclaim Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Quitclaim Deed, South County admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

42. In answering the allegations contained in paragraph 42, South County admits that, on or about February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a Notice of Change in Water Right Ownership with IDWR seeking to change the name and address of the right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch. South County admits that, on or about March 7, 2012, the

¹ Belle Ranch cites to "Idaho Code § 42-284(3)" in its Complaint regarding filing notices of change of ownership with IDWR. South County denies there is a section of Idaho Code denominated as "Idaho Code § 42-284(3)" as Chapter 2, Title 42 of the Idaho Code ends at section 250. South County infers Belle Ranch is referring to Idaho Code § 42-248, and therefore bases its answers as to "Idaho Code § 42-284(3)" on Idaho Code § 42-248.

change was processed by IDWR. South County denies that IDWR properly processed the change. South County alleges that the deeds submitted by Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, were the deeds they received from MWB and GBCI but that the chain of title was incomplete. South County admits Idaho Code § 42-248 speaks for itself and denies any inferences drawn in the Complaint. South County is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR changes and therefore denies the same. South County denies the IDWR's processing of the change of ownership actually changed ownership and asserts that IDWR's processing of the change of ownership cannot circumvent actual valid deeds.

43. In answering the allegations contained in paragraph 43, South County admits an Application for Transfer of Water Rights was filed with IDWR, but is without knowledge as to the specific date said application was filed. South County is without knowledge as to who the precise applicants were and neither admits nor denies that the Application was filed by Belle Ranch and John Stevenson. South County admits that Idaho Code § 42-222 speaks for itself and denies any inferences drawn in the Complaint. South County is without knowledge as to who may have received Notice of the Transfer and denies the same. South County admits that IDWR processed the Transfer. South County denies that the Transfer correctly reflected the name and address of Belle Ranch as the right holder, and as previously stated, that changing ownership from MWB to Belle Ranch perpetuated the error and that South County denies that any notice was sent to it. South County further denies that the Transfer could or did change ownership of the water rights. South County denies the remaining allegations contained in paragraph 43.

44. In answering the allegations contained in paragraph 44, South County admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks

for itself, that it is without knowledge as to the assertions made concerning notice, and it therefore denies the same.

45. In answering the allegations contained in paragraph 45, South County is without knowledge as to the contents therein and therefore denies the allegations.

46. In answering the allegations contained in paragraph 46, South County denies that Belle Ranch acquired all of South County's interest in the water rights. South County admits that the documents on file with IDWR speak for themselves. South County denies any inference or allegation made by Belle Ranch that the SRBA had jurisdiction or authority to quiet title as to ownership of water rights. Idaho Code § 6-401.

47. In answering the allegations contained in paragraph 47, South County is without knowledge as to the contents therein and therefore denies the allegations.

48. In answering the allegations contained in paragraph 48, South County admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

49. In answering the allegations contained in paragraph 49, South County admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, that it is without knowledge as to the assertions made concerning notice, and it therefore denies the same.

50. In answering the allegations contained in paragraph 50, South County admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

51. In answering the allegations contained in paragraph 51, South County is without knowledge as to the contents therein and therefore denies the allegations.

52. In answering the allegations contained in paragraph 52, South County is without knowledge as to the contents therein and therefore denies the allegations.

53. In answering the allegations contained in paragraph 53, South County admits that the 2010 Deed in Lieu is but one of a number of documents in the chain of title, both prior to and after issuance of the SRBA decrees, that took place as to the water rights at issue. South County is without knowledge as to whether any of the “Defendants have beneficially used any portion of the Water Rights” and therefore denies the same.

54. In answering the allegations contained in paragraph 54, South County is without knowledge as to the records cited therein and therefore denies the same.

COUNT ONE
QUIET TITLE TO WATER RIGHTS IN THE NAME OF BELLE RANCH

55. In answering the allegations contained in paragraph 55, South County incorporates herein, by reference, its responses to the preceding paragraphs.

56. The allegations contained in paragraph 56 call for a legal conclusion to which South County neither admits nor denies.

57. In answering the allegations contained in paragraph 57, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

58. In answering the allegations contained in paragraph 58, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

59. In answering the allegations contained in paragraph 59, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

60. In answering the allegations contained in paragraph 60, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

61. In answering the allegations contained in paragraph 61, South County is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees and neither admits nor denies the same.

62. In answering the allegations contained in paragraph 62, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

63. In answering the allegations contained in paragraph 63, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

64. In answering the allegations contained in paragraph 64, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

65. In answering the allegations contained in paragraph 65, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

66. In answering the allegations contained in paragraph 66, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

67. In answering the allegations contained in paragraph 67, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

68. In answering the allegations contained in paragraph 68, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

69. In answering the allegations contained in paragraph 69, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

70. In answering the allegations contained in paragraph 70, South County has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

71. In answering the allegations contained in paragraph 71, South County denies Belle Ranch is entitled to quiet title as to any interest Belle Ranch now claims in the 15.3/289th interest of water rights.

**COUNT TWO
DECLARATORY RELIEF
(SRBA Decree Quieted Title In South County Estates, LLC)**

72. In answering the allegations contained in paragraph 72, South County incorporates herein, by reference, its responses to the preceding paragraphs.

73. In answering the allegations contained in paragraph 73, South County admits that Idaho Code § 10-1201 speaks for itself and admits a district court has jurisdiction for such purposes.

74. In answering the allegations contained in paragraph 74, South County admits that Idaho Code § 42-1401 *et seq.* speaks for itself concerning the SRBA district court.

75. In answering the allegations contained in paragraph 75, South County states that Idaho Codes §§ 42-1411(2) and 42-1412(6) speak for themselves.

76. In answering the allegations contained in paragraph 76, South County states that Idaho Code § 42-1401A(1) speaks for itself.

77. In answering the allegations contained in paragraph 77, South County has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

78. In answering the allegations contained in paragraph 78, South County has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. South County further denies that Belle Ranch is “the” successor-in-interest to it.

79. In answering the allegations contained in paragraph 79, South County has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. South County further states that no portion of said water rights were claimed or decreed in the name of Belle Ranch.

80. In answering the allegations contained in paragraph 80, South County states that the identified document speaks for itself.

81. In answering the allegations contained in paragraph 81, South County has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

82. In answering the allegations contained in paragraph 81, South County denies the legal conclusion asserted by Belle Ranch.

**COUNT THREE
DECLARATORY RELIEF
(Ownership Claims Barred By Statute Of Limitations)**

83. In answering the allegations contained in paragraph 83, South County incorporates herein, by reference, its responses to the preceding paragraphs.

84. In answering the allegations contained in paragraph 84, South County has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

85. In answering the allegations contained in paragraph 85, South County has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

86. In answering the allegations contained in paragraph 86, South County has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

87. In answering the allegations contained in paragraph 87, South County has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

88. In answering the allegations contained in paragraph 88, South County has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

89. In answering the allegations contained in paragraph 89, South County denies the legal conclusion asserted by Belle Ranch.

**COUNT FOUR
DECLARATORY RELIEF
(IDWR Transfer Proceedings Confirmed That Belle Ranch Owns The Water Rights)**

90. In answering the allegations contained in paragraph 90, South County incorporates herein, by reference, its responses to the preceding paragraphs.

91. In answering the allegations contained in paragraph 91, South County has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

92. In answering the allegations contained in paragraph 92, South County has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

93. In answering the allegations contained in paragraph 93, South County has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

94. In answering the allegations contained in paragraph 94, South County has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

95. In answering the allegations contained in paragraph 95, South County has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

96. In answering the allegations contained in paragraph 96, South County denies the legal conclusion asserted by Belle Ranch.

COUNT FIVE QUASI-ESTOPPEL/WAIVER

97. In answering the allegations contained in paragraph 97, South County incorporates herein, by reference, its responses to the preceding paragraphs.

98. In answering the allegations contained in paragraph 98, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

99. In answering the allegations contained in paragraph 99, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

100. In answering the allegations contained in paragraph 100, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

101. In answering the allegations contained in paragraph 101, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

102. In answering the allegations contained in paragraph 102, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

103. In answering the allegations contained in paragraph 103, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

104. In answering the allegations contained in paragraph 104, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

105. In answering the allegations contained in paragraph 105, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

106. In answering the allegations contained in paragraph 106, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

107. In answering the allegations contained in paragraph 107, South County has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

108. In answering the allegations contained in paragraph 108, South County is without knowledge of Belle Ranch's belief and therefore denies the same.

109. In answering the allegations contained in paragraph 109, South County denies Belle Ranch is entitled to the relief sought.

COUNT SIX
ABANDONMENT AND/OR FORFEITURE OF INTEREST IN WATER RIGHTS

110. In answering the allegations contained in paragraph 110, South County incorporates herein, by reference, its responses to the preceding paragraphs.

111. In answering the allegations contained in paragraph 111, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

112. In answering the allegations contained in paragraph 112, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

113. In answering the allegations contained in paragraph 113, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

114. In answering the allegations contained in paragraph 114, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

115. In answering the allegations contained in paragraph 115, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

116. In answering the allegations contained in paragraph 116, South County has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

117. In answering the allegations contained in paragraph 117, South County denies that Belle Ranch is entitled to the relief sought.

118. In answering the allegations contained in paragraph 118, South County denies that Belle Ranch is entitled to the relief sought.

COUNT SEVEN
IMPLIED TRUST/CONSTRUCTIVE TRUST

119. In answering the allegations contained in paragraph 119, South County incorporates herein, by reference, its responses to the preceding paragraphs.

120. In answering the allegations contained in paragraph 120, South County has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

121. In answering the allegations contained in paragraph 121, South County has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

122. In answering the allegations contained in paragraph 122, South County has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

123. In answering the allegations contained in paragraph 123, South County has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

124. In answering the allegations contained in paragraph 124, South County has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

125. In answering the allegations contained in paragraph 125, South County denies it would be unconscionable for South County to have title to the water rights it owns.

126. In answering the allegations contained in paragraph 126, South County denies that Belle Ranch is entitled to the relief sought.

BELLE RANCH'S CLAIM FOR ATTORNEYS FEES

South County denies that Belle Ranch is entitled to an award of its reasonable costs and attorney's fees incurred in this suit, as Belle Ranch is attempting to obtain relief for water rights to which it has no legal right, title or interest.

BELLE RANCH'S CLAIM FOR RELIEF

South County states as follows:

A. Belle Ranch is not entitled to quiet title as to any interest Belle Ranch now claims in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630;

B. Belle Ranch is not entitled to a declaratory judgment as to any interest Belle Ranch now claims in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630;

C. Belle Ranch is not entitled to relief claimed by quasi-estoppel and/or waiver as to the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630;

D. Belle Ranch is not entitled to relief seeking to create a constructive trust for Belle Ranch and ordering Defendants to convey the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630;

E. Belle Ranch is not entitled to enjoin Defendants, their assigns, or successors from their estate, right, title, claim, lien or interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630; and

F. The Court deny Belle Ranch's Complaint and dismiss the entirety of this action, with prejudice.

SOUTH COUNTY'S AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint should be dismissed for failure to state a claim upon which relief can be granted as to Belle Ranch's purported interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630.

SECOND DEFENSE

The Complaint should be dismissed as a result of waiver, laches, estoppel/quasi-estoppel, and/or failure or lack of consideration as to Belle Ranch's purported interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630.

THIRD DEFENSE

The Complaint should be dismissed as a result of Belle Ranch coming to this Court with unclean hands as to Belle Ranch's interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630.

FOURTH DEFENSE

The Complaint should be dismissed as any relief granted to Belle Ranch concerning Belle Ranch's purported interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 as Belle Ranch would be unjustly enriched and the result would be unconscionable.

FIFTH DEFENSE

If the Complaint is not dismissed, and if Belle Ranch does assert a valid legal theory concerning a statute of limitations, any statute of limitations was tolled as to South County until the controversy arose.

SIXTH DEFENSE

The Complaint should be dismissed for lack of consideration as to Belle Ranch's purported interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630.

SEVENTH DEFENSE

The Complaint should be dismissed as to lack of damages concerning Belle Ranch's lack of interest in the 15.3/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630.

EIGHTH DEFENSE

South County has not been able to engage in full discovery of the facts relevant to this case and is unable to fully state in complete detail all of the affirmative defenses that may exist with respect to the Complaint. South County reserves the right to assert additional affirmative defenses by amendment to its Answer.

REQUEST FOR ATTORNEY'S FEES AND COSTS

South County has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC, to defend this matter and is entitled to recovery of attorney's fees and costs pursuant to Idaho Codes §§ 12-120, 12-121, Idaho Rule of Civil Procedure 54 and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

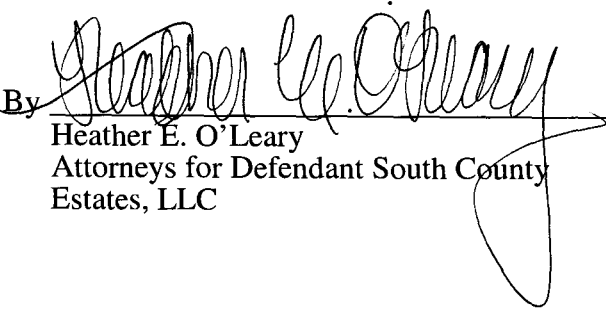
WHEREFORE, Defendant South County prays as follows:

1. That Belle Ranch's Complaint be dismissed in its entirety, with prejudice and Belle Ranch take nothing;

2. That South County be awarded its reasonable costs and attorney's fees incurred in defending this action as prayed for in the Answer; and
3. For any such other and further relief as this Court deems just and proper.

DATED THIS 15th day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By 
Heather E. O'Leary
Attorneys for Defendant South County
Estates, LLC

CERTIFICATE OF SERVICE

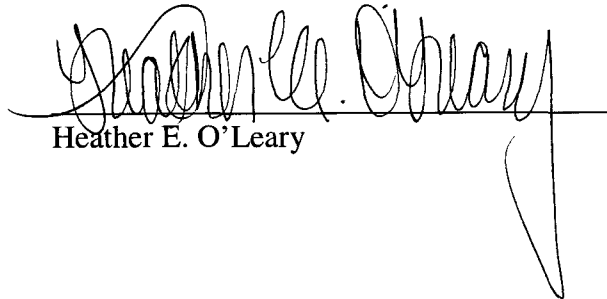
The undersigned hereby certifies that on February 15th, 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 344-6034

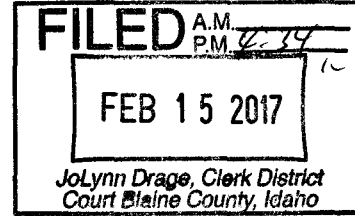
Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 287-0864


Heather E. O'Leary

ORIGINAL

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076



Attorneys for Defendant/Cross-Claimant Big Stick, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-2016-671

**DEFENDANT BIG STICK, LLC'S
ANSWER TO VERIFIED
COMPLAINT FOR DECLARATORY
RELIEF AND TO QUIET TITLE TO
WATER RIGHTS AND CROSS-
CLAIM**

Comes Now Defendant Big Stick, LLC ("Big Stick"), by and through its counsel of record, Lawson Laski Clark & Pogue, PLLC, and hereby files this answer to Belle Ranch, LLC's ("Belle Ranch") Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights ("Complaint"). Unless expressly admitted, Big Stick denies each and every allegation in the Complaint.

PARTIES

1. In answering the allegations contained in paragraph 1, Big Stick understands Belle Ranch is a limited liability company in good standing with the Idaho Secretary of State, and understands the address of Belle Ranch's registered agent is in Blaine County, Idaho. Big Stick is without knowledge as to Belle Ranch's primary place of business and therefore denies the allegation.

2. Big Stick admits the allegations contained in paragraph 2.

3. In answering the allegations contained in paragraph 3, Big Stick admits that it is an Idaho limited liability company with its primary place of business located in Blaine County, Idaho. Big Stick denies the remaining allegations contained in paragraph 3.

4. In answering the allegations contained in paragraph 4, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

5. In answering the allegations contained in paragraph 5, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

6. In answering the allegations contained in paragraph 6, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

7. In answering the allegations contained in paragraph 7, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

8. In answering the allegations contained in paragraph 8, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

9. In answering the allegations contained in paragraph 9, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

10. In answering the allegations contained in paragraph 10, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

VENUE AND JURISDICTION

11. In answering the allegations contained in paragraph 11, Big Stick admits jurisdiction is proper.

12. In answering the allegations contained in paragraph 12, Big Stick admits jurisdiction is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

13. In answering the allegations contained in paragraph 13, Big Stick admits venue is proper, admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property since it is undefined.

FACTUAL BACKGROUND

14. In answering the allegations contained in paragraph 14, Big Stick admits that the records of IDWR show that G. Chapman Petersen and Associates filed claims to the water rights enumerated therein.

15. In answering the allegations contained in paragraph 15, Big Stick admits that water rights are the subject of the Complaint, and denies any allegations or inferences drawn concerning appurtenancy to real property. Big Stick further states that the term “the Real

Property” is not defined by Belle Ranch and therefore denies any allegations or inferences drawn in the Complaint as to “the Real Property.”

16. In answering the allegations contained in paragraph 16, Big Stick admits that the records of the Idaho Department of Water Resources (“IDWR”) show that in 2003, a Notice in Change in Water Right Ownership was filed with IDWR, changing the water right holder from G. Chapman Petersen and Associates-Idaho to South County. Big Stick admits the records of IDWR, which speak for themselves, include various Quitclaim Deeds conveying ownership to South County.

17. In answering the allegations contained in paragraph 17, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

18. In answering the allegations contained in paragraph 18, Big Stick states that the records cited therein speak for themselves.

19. In answering the allegations contained in paragraph 19, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

20. In answering the allegations contained in paragraph 20, Big Stick admits Mountain West Bank (“MWB”) recorded a Mortgage in Blaine County, Idaho and that the Mortgage placed a lien on real property within Blaine County, Idaho that was identified within the Mortgage. Big Stick is without knowledge as to a modification of said Mortgage and therefore denies the allegation.

21. In answering the allegations contained in paragraph 21, Big Stick admits that South County Estates, LLC conveyed 2.8/289th of the Water Rights to Big Stick and that said quitclaim deed was properly recorded in Blaine County, Idaho. Big Stick further states that,

thereafter, it leased the 2.8/289th of the Water Rights back to South County Estates, LLC on a seasonable basis. Big Stick denies the remaining allegations contained in paragraph 21.

22. In answering the allegations contained in paragraph 22, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

23. In answering the allegations contained in paragraph 23, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

24. In answering the allegations contained in paragraph 24, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

25. In answering the allegations contained in paragraph 25, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Fosbury IRA and neither admits nor

denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

26. In answering the allegations contained in paragraph 26, Big Stick is without knowledge as to the conveyance of 1/289th of water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to defendant Holt IRA and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

27. In answering the allegations contained in paragraph 27, Big Stick is without knowledge as to the conveyance of 7.5/289th of the Water Rights from South County to John Scherer and Charles Holt and neither admits nor denies the allegation as the documents and Blaine County, Idaho records speak for themselves. As to all other allegations, Big Stick is without knowledge of the actions described therein and denies the same.

28. In answering the allegations contained in paragraph 28, Big Stick admits that the sum of some of the figures in paragraph 21-27 total 15.3. As to all other allegations or inferences contained therein, Big Stick denies the same.

29. In answering the allegations contained in paragraph 29, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

30. In answering the allegations contained in paragraph 30, Big Stick admits that South County executed a Deed in Lieu of Foreclosure to MWB, recorded on or about June 17, 2010 in Blaine County, Idaho. Big Stick alleges that South County could only convey what

right, title, and interest it held, and that MWB could only receive the same. Big Stick denies all other allegations therein.

31. In answering the allegations contained in paragraph 31, Big Stick states that the language in the Deed in Lieu speaks for itself. Big Stick denies all other allegations therein.

32. In answering the allegations contained in paragraph 32, Big Stick admits that on or about June 17, 2010, MWB executed a Deed in favor of GBCI Other Real Estate, LLC (“GBCI”), recorded in Blaine County, Idaho and that said document speaks for itself. Big Stick admits that MWB could only convey what right, title and interest it received as a result of the Deed in Lieu of Foreclosure, and that GBCI could therefore only receive the same. Big Stick denies the allegation contained in paragraph 32 that MWB and GBCI were deeded all of the “Real Property and appurtenant water rights.”

33. In answering the allegations contained in paragraph 33, Big Stick admits that the SRBA website shows Special Master Recommendations were issued on June 28, 2010 and that those documents speak for themselves, including the certificate of service. Big Stick denies that the recommendation for water right no. 37-481C was in the name of South County.

34. In answering the allegations contained in paragraph 34, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the Special Master Recommendations or whether or not the decree “was in error” and therefore denies the same.

35. In answering the allegations contained in paragraph 35, Big Stick admits that the SRBA website shows amended Special Master Recommendations were issued on July 9, 2010, purportedly to correct an error regarding water right no. 37-481C. Big Stick admits the

documents speak for themselves, including the certificate of service. Big Stick denies the remaining allegations contained in paragraph 35.

36. In answering the allegations contained in paragraph 36, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the amended Special Master recommendations or whether or not the decree “was in error” and denies the same.

37. In answering the allegations contained in paragraph 37, Big Stick admits that the SRBA website shows partial decrees were issued by the SRBA district court on August 31, 2010, listing the name and address of South County. Big Stick admits the documents speak for themselves, including the certificate of service and the Rule 54(b) certification.

38. In answering the allegations contained in paragraph 38, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees or to set aside the partial decrees “before Basin 37 was closed for claims, before the Final Unified Decree was issued or since” and denies the same.

39. In answering the allegations contained in paragraph 39, Big Stick alleges that approximately 11 months after entry of the SRBA partial decrees (*see* Idaho Code § 42-248), MWB filed a Notice in Change of Ownership with IDWR, sometime in the latter part of July 2011, seeking to change the name and address of the water right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT, and 37-2630 from South County to MWB. MWB included its June 17, 2010 Deed in Lieu of Foreclosure and Assignment Deed from South County as evidence to IDWR that the change should be made as to the entirety of the water rights. Big Stick alleges that the deeds of record in Blaine County, Idaho show that MWB did not have right, title, and interest as to Big Stick’s 2.8/289th interest in the water rights, as MWB,

on or about October 14, 2009, had already released its interest in the 2.8/289th, that South County recorded a Quitclaim Deed in Blaine County, Idaho on or around October 14, 2009 conveying the same interest in the 2.8/289th to Big Stick. Big Stick alleges that the deeds of record in Blaine County, Idaho show that, in the latter part of July 2011, when MWB sought to make the change from South County to MWB, that MWB was not the proper party to make the request to IDWR, as on or about June 17, 2010, MWB had conveyed its interest to GBCI. Big Stick is without knowledge and therefore denies that IDWR notified MWB that the Ownership Change request had been completed and that the records for the Water Rights reflected that MWB owned the Water Rights, in their entirety. Big Stick alleges that MWB had no legal right to alter Big Stick's right, title and interest to Big Stick's water rights. Big Stick denies that IDWR properly processed MWB's Notice of Change in Ownership. Big Stick admits that Idaho Code § 42-248¹ speaks for itself and denies any inferences drawn in the Complaint. Big Stick is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR change and therefore denies the same.

40. In answering the allegations contained in paragraph 40, Big Stick admits that, on approximately December 20, 2011, GBCI conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Special Warranty Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Special Warranty Deed, Big Stick admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

¹ Belle Ranch cites to "Idaho Code § 42-284(3)" in its Complaint regarding filing notices of change of ownership with IDWR. Big Stick denies there is a section of Idaho Code denominated as "Idaho Code § 42-284(3)" as Chapter 2, Title 42 of the Idaho Code ends at section 250. Big Stick infers Belle Ranch is referring to Idaho Code § 42-248, and therefore bases its answers as to "Idaho Code § 42-284(3)" on Idaho Code § 42-248.

41. In answering the allegations contained in paragraph 41, Big Stick admits that, on approximately December 21, 2011, MWB conveyed what interest it had, if any, in water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch by Quitclaim Deed, recorded in Blaine County, Idaho. Pertaining to the quoted language from the Quitclaim Deed, Big Stick admits the document speaks for itself, and denies any inference or allegation drawn therefrom.

42. In answering the allegations contained in paragraph 42, Big Stick admits that, on or about February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a Notice of Change in Water Right Ownership with IDWR seeking to change the name and address of the right holder for the entirety of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 to Belle Ranch. Big Stick admits that, on or about March 7, 2012, the change was processed by IDWR. Big Stick denies that IDWR properly processed the change. Big Stick alleges that the deeds submitted by Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, were the deeds they received from MWB and GBCI but that the chain of title was incomplete. Big Stick admits Idaho Code § 42-248 speaks for itself and denies any inferences drawn in the Complaint. Big Stick is without knowledge as to whether any of the Defendants received notice or sought to challenge the IDWR changes and therefore denies the same. Big Stick denies the IDWR's processing of the change of ownership actually changed ownership and asserts that IDWR's processing of the change of ownership cannot circumvent actual valid deeds.

43. In answering the allegations contained in paragraph 43, Big Stick admits an Application for Transfer of Water Rights was filed with IDWR, but is without knowledge as to the specific date said application was filed. Big Stick is without knowledge as to who the precise

applicants were and neither admits nor denies that the Application was filed by Belle Ranch and John Stevenson. Big Stick admits that Idaho Code § 42-222 speaks for itself and denies any inferences drawn in the Complaint. Big Stick is without knowledge as to who may have received Notice of the Transfer and denies the same. Big Stick admits that IDWR processed the Transfer. Big Stick denies that the Transfer correctly reflected the name and address of Belle Ranch as the right holder, and as previously stated, that changing ownership from MWB to Belle Ranch perpetuated the error and that Big Stick denies that any notice was sent to it. Big Stick further denies that the Transfer could or did change ownership of the water rights. Big Stick denies the remaining allegations contained in paragraph 43.

44. In answering the allegations contained in paragraph 44, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

45. In answering the allegations contained in paragraph 45, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

46. In answering the allegations contained in paragraph 46, Big Stick denies that Belle Ranch acquired all of South County's interest in the water rights. Big Stick admits that the documents on file with IDWR speak for themselves. Big Stick denies any inference or allegation made by Belle Ranch that the SRBA had jurisdiction or authority to quiet title as to ownership of water rights. Idaho Code § 6-401.

47. In answering the allegations contained in paragraph 47, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

48. In answering the allegations contained in paragraph 48, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

49. In answering the allegations contained in paragraph 49, Big Stick admits that it submitted a Notice of Change in Water Right Ownership to IDWR on or around June 3, 2016 and that the document speaks for itself. Big Stick denies the inference that the 2.8/289th of said water rights were not conveyed. Big Stick asserts that the 2.8/289th of said water rights are owned by Big Stick. Big Stick is without knowledge as to whether Belle Ranch received notice of the filing and therefore denies the same.

50. In answering the allegations contained in paragraph 50, Big Stick admits a Notice of Change of Water Rights Ownership was filed with IDWR, that the document speaks for itself, is without knowledge as to the assertions made concerning notice, and therefore denies the same.

51. In answering the allegations contained in paragraph 51, Big Stick is without knowledge as to the contents therein and therefore denies the allegations.

52. In answering the allegations contained in paragraph 52, Big Stick admits that it received an email from IDWR regarding the ownership change request and states that the document speaks for itself.

53. In answering the allegations contained in paragraph 53, Big Stick admits that the 2010 Deed in Lieu is but one of a number of documents in the chain of title, both prior to and after issuance of the SRBA decrees, that took place as to the water rights at issue. Big Stick is without knowledge as to whether any of the “Defendants have beneficially used any portion of the Water Rights” and therefore denies the same.

54. In answering the allegations contained in paragraph 54, Big Stick is without knowledge as to the records cited therein and therefore denies the same.

COUNT ONE
QUIET TITLE TO WATER RIGHTS IN THE NAME OF BELLE RANCH

55. In answering the allegations contained in paragraph 55, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

56. In answering the allegations contained in paragraph 56, Big Stick denies that it has no legal interest in the water rights and denies the same. Big Stick is without knowledge as to the legal interests of the other Defendants and neither admits nor denies the same.

57. In answering the allegations contained in paragraph 57, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

58. In answering the allegations contained in paragraph 58, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

59. In answering the allegations contained in paragraph 59, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

60. In answering the allegations contained in paragraph 60, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

61. In answering the allegations contained in paragraph 61, Big Stick is without knowledge as to whether any of the Defendants “made any effort to challenge” the partial decrees and neither admits nor denies the same.

62. In answering the allegations contained in paragraph 62, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

63. In answering the allegations contained in paragraph 63, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

64. In answering the allegations contained in paragraph 64, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

65. In answering the allegations contained in paragraph 65, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

66. In answering the allegations contained in paragraph 66, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

67. In answering the allegations contained in paragraph 67, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

68. In answering the allegations contained in paragraph 68, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

69. In answering the allegations contained in paragraph 69, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

70. In answering the allegations contained in paragraph 70, Big Stick has previously answered this allegation and, as stated in paragraph 55, incorporates its responses by reference, and denies any allegation not previously answered.

71. In answering the allegations contained in paragraph 71, Big Stick denies Belle Ranch is entitled to quiet title as to any interest Belle Ranch now claims in the 2.8/289th of water rights.

**COUNT TWO
DECLARATORY RELIEF
(SRBA Decree Quieted Title In South County Estates, LLC)**

72. In answering the allegations contained in paragraph 72, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

73. In answering the allegations contained in paragraph 73, Big Stick admits that Idaho Code § 10-1201 speaks for itself and admits a district court has jurisdiction for such purposes.

74. In answering the allegations contained in paragraph 74, Big Stick admits that Idaho Code § 42-1401 *et seq.* speaks for itself concerning the SRBA district court.

75. In answering the allegations contained in paragraph 75, Big Stick states that Idaho Codes §§ 42-1411(2) and 42-1412(6) speak for themselves.

76. In answering the allegations contained in paragraph 76, Big Stick states that Idaho Code § 42-1401A(1) speaks for itself.

77. In answering the allegations contained in paragraph 77, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

78. In answering the allegations contained in paragraph 78, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. Big Stick further denies that Belle Ranch is “the” successor-in-interest to South County.

79. In answering the allegations contained in paragraph 79, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered. Big Stick further states that no portion of said water rights were claimed or decreed in the name of Belle Ranch.

80. In answering the allegations contained in paragraph 80, Big Stick states that the identified document speaks for itself.

81. In answering the allegations contained in paragraph 81, Big Stick has previously answered this allegation and, as stated in paragraph 72, incorporates its responses by reference, and denies any allegation not previously answered.

82. In answering the allegations contained in paragraph 81, Big Stick denies the legal conclusion asserted by Belle Ranch.

COUNT THREE
DECLARATORY RELIEF
(Ownership Claims Barred By Statute Of Limitations)

83. In answering the allegations contained in paragraph 83, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

84. In answering the allegations contained in paragraph 84, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

85. In answering the allegations contained in paragraph 85, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

86. In answering the allegations contained in paragraph 86, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

87. In answering the allegations contained in paragraph 87, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

88. In answering the allegations contained in paragraph 88, Big Stick has previously answered this allegation and, as stated in paragraph 83, incorporates its responses by reference, and denies any allegation not previously answered.

89. In answering the allegations contained in paragraph 89, Big Stick denies the legal conclusion asserted by Belle Ranch.

**COUNT FOUR
DECLARATORY RELIEF
(IDWR Transfer Proceedings Confirmed That Belle Ranch Owns The Water Rights)**

90. In answering the allegations contained in paragraph 90, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

91. In answering the allegations contained in paragraph 91, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

92. In answering the allegations contained in paragraph 92, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

93. In answering the allegations contained in paragraph 93, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

94. In answering the allegations contained in paragraph 94, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

95. In answering the allegations contained in paragraph 95, Big Stick has previously answered this allegation and, as stated in paragraph 90, incorporates its responses by reference, and denies any allegation not previously answered.

96. In answering the allegations contained in paragraph 96, Big Stick denies the legal conclusion asserted by Belle Ranch.

COUNT FIVE QUASI-ESTOPPEL/WAIVER

97. In answering the allegations contained in paragraph 97, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

98. In answering the allegations contained in paragraph 98, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

99. In answering the allegations contained in paragraph 99, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

100. In answering the allegations contained in paragraph 100, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

101. In answering the allegations contained in paragraph 101, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

102. In answering the allegations contained in paragraph 102, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

103. In answering the allegations contained in paragraph 103, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

104. In answering the allegations contained in paragraph 104, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

105. In answering the allegations contained in paragraph 105, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

106. In answering the allegations contained in paragraph 106, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

107. In answering the allegations contained in paragraph 107, Big Stick has previously answered this allegation and, as stated in paragraph 97, incorporates its responses by reference, and denies any allegation not previously answered.

108. In answering the allegations contained in paragraph 108, Big Stick is without knowledge of Belle Ranch's belief and therefore denies the same.

109. In answering the allegations contained in paragraph 109, Big Stick denies Belle Ranch is entitled to the relief sought.

COUNT SIX
ABANDONMENT AND/OR FORFEITURE OF INTEREST IN WATER RIGHTS

110. In answering the allegations contained in paragraph 110, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

111. In answering the allegations contained in paragraph 111, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

112. In answering the allegations contained in paragraph 112, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

113. In answering the allegations contained in paragraph 113, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

114. In answering the allegations contained in paragraph 114, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

115. In answering the allegations contained in paragraph 115, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

116. In answering the allegations contained in paragraph 116, Big Stick has previously answered this allegation and, as stated in paragraph 110, incorporates its responses by reference, and denies any allegation not previously answered.

117. In answering the allegations contained in paragraph 117, Big Stick denies that Belle Ranch is entitled to the relief sought.

118. In answering the allegations contained in paragraph 118, Big Stick denies that Belle Ranch is entitled to the relief sought.

COUNT SEVEN
IMPLIED TRUST/CONSTRUCTIVE TRUST

119. In answering the allegations contained in paragraph 119, Big Stick incorporates herein, by reference, its responses to the preceding paragraphs.

120. In answering the allegations contained in paragraph 120, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

121. In answering the allegations contained in paragraph 121, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

122. In answering the allegations contained in paragraph 122, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

123. In answering the allegations contained in paragraph 123, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

124. In answering the allegations contained in paragraph 124, Big Stick has previously answered this allegation and, as stated in paragraph 119, incorporates its responses by reference, and denies any allegation not previously answered.

125. In answering the allegations contained in paragraph 125, Big Stick denies it would be unconscionable for Big Stick to have title to the water rights it owns.

126. In answering the allegations contained in paragraph 126, Big Stick denies that Belle Ranch is entitled to the relief sought.

BELLE RANCH'S CLAIM FOR ATTORNEYS FEES

Big Stick denies that Belle Ranch is entitled to an award of its reasonable costs and attorney's fees incurred in this suit, as Belle Ranch is attempting to obtain relief for water rights to which it has no legal right, title or interest.

BELLE RANCH'S CLAIM FOR RELIEF

Big Stick states as follows:

A. Belle Ranch is not entitled to quiet title as to any interest Belle Ranch now claims in the 2.8/289th of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 owned by Big Stick;

B. Belle Ranch is not entitled to a declaratory judgment as to any interest Belle Ranch now claims in Big Stick's water rights;

C. Belle Ranch is not entitled to relief claimed by quasi-estoppel and/or waiver as to Big Stick's water rights;

D. Belle Ranch is not entitled to relief seeking to create a constructive trust for Belle Ranch and ordering Big Stick to convey Big Stick's water rights;

E. Belle Ranch is not entitled to enjoin Big Stick, its assigns, or successors from its estate, right, title, claim, lien or interest in Big Stick's water rights; and

F. The Court deny Belle Ranch's Complaint and dismiss the entirety of this action, with prejudice.

BIG STICK'S AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint should be dismissed for failure to state a claim upon which relief can be granted as to Belle Ranch's purported interest in Big Stick's water rights.

SECOND DEFENSE

The Complaint should be dismissed as a result of waiver, laches, estoppel/quasi-estoppel, and/or failure or lack of consideration as to Belle Ranch's purported interest in Big Stick's water rights.

THIRD DEFENSE

The Complaint should be dismissed as a result of Belle Ranch coming to this Court with unclean hands as to Belle Ranch's interest in Big Stick's water rights.

FOURTH DEFENSE

The Complaint should be dismissed as any relief granted to Belle Ranch concerning Belle Ranch's purported interest in Big Stick's water rights as Belle Ranch would be unjustly enriched and the result would be unconscionable.

FIFTH DEFENSE

If the Complaint is not dismissed, and if Belle Ranch does assert a valid legal theory concerning a statute of limitations, any statute of limitations was tolled as to Big Stick until the controversy arose.

SIXTH DEFENSE

The Complaint should be dismissed for lack of consideration as to Belle Ranch's purported interest in Big Stick's water rights.

SEVENTH DEFENSE

The Complaint should be dismissed as to lack of damages concerning Belle Ranch's lack of interest in Big Stick's water rights.

EIGHTH DEFENSE

Big Stick has not been able to engage in full discovery of the facts relevant to this case and is unable to fully state in complete detail all of the affirmative defenses that may exist with respect to the Complaint. Big Stick reserves the right to assert additional affirmative defenses by amendment to its Answer.

REQUEST FOR ATTORNEY'S FEES AND COSTS

Big Stick has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC, to defend this matter and is entitled to recovery of attorney's fees and costs pursuant to Idaho Codes §§ 12-120, 12-121, Idaho Rule of Civil Procedure 54 and any other applicable

laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

WHEREFORE, Defendant Big Stick prays as follows:

1. That Belle Ranch's Complaint be dismissed in its entirety, with prejudice and Belle Ranch take nothing;
2. That Big Stick be awarded its reasonable costs and attorney's fees incurred in defending this action as prayed for in the Answer; and
3. For any such other and further relief as this Court deems just and proper.

CROSS-CLAIM

COMES NOW the Cross-claimant, Big Stick, LLC ("Big Stick") to allege a Cross-Claim for quiet title against Mountain West Bank, a division of Glacier Bank and GBCI Other Real Estate, LLC.

PARTIES AND JURISDICTION

1. Glacier Bank, transacting business in Idaho as Mountain West Bank, a division of Glacier Bank ("Mountain West"), is a bank doing business in the State of Idaho, including Blaine County, Idaho. According to the Secretary of State, the registered agent is Russel K. Porter, located at 125 Ironwood Drive, Coeur d'Alene, Idaho 83814.
2. GBCI Real Estate, LLC ("GBCI") is an Idaho limited liability company doing business in the State of Idaho, including Blaine County, Idaho. The registered agent is Russ Porter, located at 101 Ironwood Drive, Suite 210, Coeur d'Alene, Idaho, 83814.
3. This court has jurisdiction over this matter pursuant to Idaho Code § 5-514(c) arising from the disputed ownership of water rights nos. 37-381C, 37-482H, 37-483C, 37-577BT

and 37-2630, which were decreed by the Snake River Basin Adjudication (“SRBA”) District Court to South County. Consistent with the deeds recorded in Blaine County, Idaho, Big Stick owns 2.8/289th of the water rights decreed by the SRBA District Court. Big Stick seeks only to quiet title as to its ownership interest that is consistent with the deeds of record in Blaine County, Idaho.

4. Water rights are real property. Idaho Code § 55-101(1).

5. Pursuant to Idaho Code § 6-401, this Court has the authority to quiet title as to the ownership of water rights.²

6. Venue in this matter is proper before this Court pursuant to Idaho Code § 5-401 because the real property is located in Blaine County, Idaho.

COMMON ALLEGATIONS

7. The real property that is the subject of this Cross-Claim are water rights. Water right nos. 37-481C, 37-482H, 37-483C, 37-577BT, and 37-2630 (the “Water Rights”) were claimed in the SRBA by South County Estates, LLC (“South County”).

8. On December 7, 2007, South County conveyed 2.8/289th of the Water Rights to “BIG STICK, LLC” by quitclaim deed (the “Big Stick Quitclaim Deed”). The Big Stick Quitclaim Deed was recorded in Blaine County, Idaho on December 14, 2007, as Instrument No. 554098. The Big Stick Quitclaim Deeds states that South County “bargains, sells, remises, releases, conveys and forever quitclaims to BIG STICK, LLC . . . all of their right, title and interest” which it had in the Water Rights.

² “An action may be brought by any person against another who claims an estate or interest in real or personal property adverse to him, for the purpose of determining such adverse claim, provided that all actions to adjudicate water rights and obtain such a decree as to water source, quantity, point of diversion, place of use, nature of use, period of use, and priority as against other water users shall be brought under the provision of chapter 14, title 42, Idaho Code.” IDAHO CODE § 6-401.

9. On June 13, 2008, Mountain West Bank, due to its mortgage with South County, filed a *Notice of Security Interest in a Water Right* with the Idaho Department of Water Resources (“IDWR”).³ The Mountain West *Notice of Security Interest in a Water Right* was acknowledged by IDWR on June 20, 2008. Mountain West’s mortgage was recorded in Blaine County on October 14, 2005, as Instrument No. 527439 (the “MWB Mortgage”). The MWB Mortgage was included with the aforementioned *Notice of Security Interest in a Water Right* filed by Mountain West with IDWR.

10. On October 14, 2009, Mountain West recorded a Partial Release of Lien in Blaine County, as Instrument No. 574996, wherein Mountain West released the lien of the MWB Mortgage (as described above and therein) to 2.8/289th of the Water Rights (the “MWB Partial Release”). The MWB Partial Release states: “that the lien of the Mortgage be released as it relates to the Water Rights appurtenant to the 2.8 acres of real property identified on the legal description attached hereto as Exhibit ‘A’ and incorporated herein by this reference which are the subject of a quitclaim deed dated December 7, 2007 to BIG STICK, LLC, an Idaho limited liability company and that the Notice of Security Interest in a Water Right filed with the Idaho Department of Water Resources be waived to the limited extent it relates to the Water Rights described above.”

11. South County, after having already conveyed the 2.8/289th of the Water Rights to Big Stick, by the Big Stick Quitclaim Deed, quitclaimed the remaining interest in the Water Rights by a *Deed in Lieu of Foreclosure* to Mountain West, which was recorded in Blaine County on June 17, 2010, by Instrument No. 578331 (the “MWB Deed in Lieu”).

³ The documents cited to hereinafter are attached to the Verified Complaint to Quiet Title, filed in Case No. CV-2016-683, and are incorporated herein by reference.

12. Thereafter, on June 17, 2010, Mountain West conveyed its interest in the property described in the MWB Deed in Lieu to GBCI Other Real Estate, LLC (“GBCI”) by Deed, recorded in Blaine County as Instrument No. 578364 (the “MWB/GBCI Deed”). Such conveyance was specifically subject to the aforementioned Partial Release of Water Rights, recorded as Instrument Nos. 574996. Thus, 2.8/289th of the Water Rights were owned by Big Stick.

13. On August 31, 2010, the SRBA District Court issued *Partial Decrees* to South County for the Water Rights as summarized below:

Water Right No.	Priority Date	Diversion Rate (cfs)
37-481C	8/1/1882	3.014
37-577BT	3/24/1883	2.2
37-482H	8/1/1884	3.012
37-483C	8/1/1902	15.086
37-2630	2/2/1960	3.75

14. On July 22, 2011, after the SRBA partial decrees were issued in the name of South County, Mountain West filed a *Notice of Change in Water Right Ownership* with IDWR for the Water Rights, referencing the MWB Deed in Lieu as the basis for the change in ownership. Mountain West filed the *Notice of Change in Water Right Ownership* even though Mountain West had: (a) previously released its interest in 2.8/289th of the Water Rights; and (b) subsequently conveyed its interest obtained through the MWB Deed in Lieu to GBCI. On September 13, 2011, IDWR processed Mountain West’s change of ownership for the entirety of the Water Rights.

15. IDWR maintains and updates water right ownership records pursuant to Idaho Code § 42-248. When a *Notice of Change in Water Right Ownership* is filed, IDWR verifies that

the form has been filled out correctly, that the appropriate filing fee has been paid, and that the conveyance document(s) appear proper. If the conveyance document(s) appear proper, IDWR will change ownership of the water right(s), and will notify the prior owner. In the event of disputed ownership, IDWR directs the parties to quiet title in a district court because IDWR does not have the legal authority to determine ownership of a water right.

16. On December 22, 2011, GBCI conveyed, “without Warranty,” the Water Rights to Belle Ranch by Special Warranty Deed, recorded in Blaine County on December 22, 2011, as Instrument No. 593252 (the “Special Warranty Deed”).

17. Also, on December 22, 2011, Mountain West quitclaimed any interest it had in the Water Rights to Belle Ranch (the “MWB Quitclaim Deed”), recorded December 22, 2011, as Instrument No. 593254.

18. GBCI and Mountain West never obtained ownership of the 2.8/289th of the Water Rights owned by Big Stick as a result of the MWB Partial Release and the foregoing Big Stick Quitclaim Deed. These documents were recorded in the real property records of Blaine County prior to the recording of the MWB Deed in Lieu and all subsequently recorded deeds. Accordingly, neither GBCI nor Mountain West could convey the 2.8/289th of the Water Rights to Belle Ranch.

19. On February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a *Notice of Change in Water Right Ownership* with IDWR as to the Water Rights. The conveyance documents submitted by Justin Stevenson and Brett Stevenson to IDWR were: (a) the December 22, 2011, GBCI Special Warranty Deed; and (b) the December 22, 2011 MWB Quitclaim Deed. On March 7, 2012, IDWR processed the change of ownership to Belle Ranch for the entire Water Rights.

20. On August 31, 2012, and as a result of the mortgage executed by Belle Ranch, Rabo Agrifinance filed a *Notice of Security in a Water Right* with IDWR.

21. On September 10, 2012, IDWR acknowledged Rabo Agrifinance's security interest.

22. On June 3, 2016, counsel for Big Stick sent IDWR a letter requesting that ownership of the Water Rights be split so as to recognize Big Stick's 2.8/289th ownership, and included the aforementioned deeds recorded in Blaine County, Idaho to demonstrate ownership.

23. Thereafter, IDWR informed Big Stick's counsel that it would not process the June 3, 2016 *Notice of Change in Water Right Ownership*.

24. To date, Belle Ranch is still listed with IDWR as the owner of the Water Rights.

QUIET TITLE

25. The foregoing paragraphs are incorporated herein by this reference and restated as if set forth in full.

26. Pursuant to Idaho Codes §§ 6-401 to 6-418, Big Stick is entitled to a decree quieting title and decreeing and declaring that it owns 2.8/289th of the Water Rights.

27. Pursuant to Idaho Codes §§ 6-401 to 6-418, Big Stick is entitled to a decree quieting title and decreeing and declaring that any rights of Mountain West and GBCI in Big Stick's 2.8/289th interest in Water Rights are void.

28. Consistent with the foregoing, an order and judgment should be entered by this Court quieting title to Big Stick to the 2.8/289th interest in the Water Rights.

ATTORNEYS' FEES AND COSTS

29. Big Stick has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC to represent it in this matter and is entitled to recovery of attorneys' fees and costs pursuant to Idaho Codes §§12-120, 12-121 and Idaho Rule of Civil Procedure 54 and any other

applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

WHEREFORE, Big Stick prays that this Court enter the following relief:

1. For a decree quieting title against Mountain West and GBCI and finding that Big Stick is the sole owner of 2.8/289th of the Water Rights, which is consistent with the recorded deeds.
2. For an award of attorneys' fees and costs as prayed for in this Cross-Claim; and
3. For such other and further relief as this Court may deem just and proper.

DATED THIS 15th day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By 

Heather E. O'Leary
Attorneys for Defendant/Cross-claimant
Big Stick, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February ^{6th} 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 344-6034

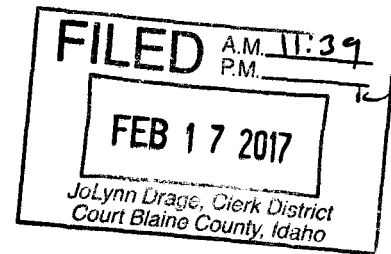
Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 287-0864


Heather E. O'Leary

 ORIGINAL

R. WAYNE SWENEY, ISB #1614
LUKINS & ANNIS, P.S.
601 East Front Ave., Ste. 303
Coeur d'Alene, ID 83814-5155
Telephone: (208) 666-4101
Fax: 208-666-4111
rrws@lukins.com



*Attorneys for Defendants Mountain West Bank
And GBCI Other Real Estate, LLC*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN
F.B.O. CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORP.; MOUNTAIN WEST BANK, A
DIVISION OF GLACIER BANK; GBCI
OTHER REAL ESTATE, LLC, and
DOES 1-5, unknown persons who may
claim an interest in the subject water
rights,

Defendants.

Case No. CV-16-671

**NOTICE OF APPEARANCE BY
MOUNTAIN WEST BANK AND GBCI
OTHER REAL ESTATE, LLC**

CAT: I

Fee: \$136.00

Defendants MOUNTAIN WEST BANK, Division of Glacier Bank, and GBCI Other Real Estate Owned, LLC appear in this action through their legal counsel Lukins & Annis, PS.

DATED this 17 day of February 2017.

LUKINS & ANNIS PS

By: 

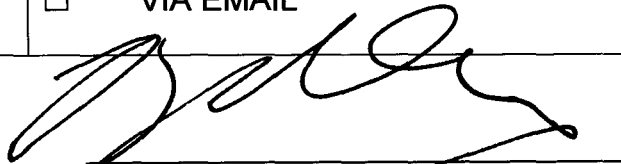
R. Wayne Sweeney

Attorney for GBCI Other Real Estate, LLC, and Mountain West Bank, a Division of Glacier Bank

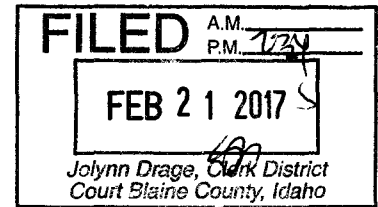
CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2017, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Albert P. Barker, ISB #4242 Paul L. Arrington, ISB #7198 BARKER ROSHOLT & SIMPSON LLP 1010 W. Jefferson St., Ste. 102 P.O. Box 2139 Boise, Idaho 83701-2139	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208-344-6034 <input type="checkbox"/> VIA EMAIL
Chris M. Bromley, ISB # 6530 Candice M. McHugh, ISB # 5908 McHugh Bromley, PLLC 380 S. 4 th St., Ste. 103 Boise, ID 83702	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208- 287-0864 <input type="checkbox"/> VIA EMAIL
James R. Lawson Lawson Laski Clark & Pogue PLLC PO Box 3310 Ketchum, ID 83340	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208- 725-0076 <input type="checkbox"/> VIA EMAIL


R. WAYNE SWENEY

R. WAYNE SWENEY, ISB #1614
LUKINS & ANNIS, P.S.
601 East Front Ave., Ste. 303
Coeur d'Alene, ID 83814-5155
Telephone: (208) 666-4101
Fax: 208-666-4111
rws@lukins.com



*Attorneys for Defendants Mountain West Bank
And GBCI Other Real Estate, LLC*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSICO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSICO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSICO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

Case No. CV-16-671

**ADMISSION OF SERVICE BY FSC ON
MOUNTAIN WEST BANK AND GBCI
OTHER REAL ESTATE, LLC**

R. Wayne Sweney admits:

1. I am a member of the Idaho Bar and legal counsel for the following Defendants in the above-entitled action:

- a. GBCI Other Real Estate, LLC, and
- b. Mountain West Bank, a Division of Glacier Bank.

2. On the 10th day of February 2017, I received a copy of **First Security Corporation's** Answer, Crossclaim, and a Summons for each of my clients named as Defendants.

3. I hereby accept service of process of **First Security Corporation's** Answer, Crossclaim, and a Summons as legal counsel for and on behalf of GBCI Other Real Estate, LLC, and Mountain West Bank, a Division of Glacier Bank as of the date of receipt.

DATED this 13 day of February 2017.

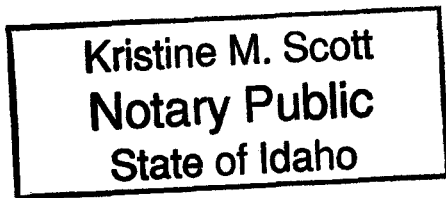


R. Wayne Sweney
Attorney for GBCI Other Real Estate, LLC, and Mountain
West Bank, a Division of Glacier Bank

STATE OF IDAHO)
 :SS.
County of Kootenai)

On this 13th day of February, 2017, before me, the undersigned Notary Public, personally appeared R. Wayne Sweney, known or identified to me to be person who executed the instrument and acknowledged to me that he executed the same as **attorney for GBCI Other Real Estate, LLC, and Mountain West Bank, a Division of Glacier Bank.**

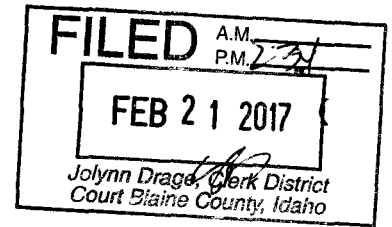
WITNESS my hand and official seal hereto affixed the day and year first above written.



Kristine M. Scott
NOTARY PUBLIC
Residing at: Post Falls
Commission Expires: 12/21/2022

Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

Attorneys for First Security Corporation



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY
CORPORATION; MOUNTAIN WEST
BANK, A DIVISION OF GLACIER
BANK; GBCI OTHER REAL ESTATE,
LLC; and DOES 1-5, unknown persons
who may claim an interest in the subject
water rights,

Defendants.

Case No. CV-2016-671

ACCEPTANCE OF SERVICE

ACCEPTANCE OF SERVICE

1

FIRST SECURITY CORPORATION,

Cross-claimant,

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-Defendant.

STATE OF IDAHO)
) : ss
COUNTY OF Blaine)

James R. Laski, being first duly sworn on oath, deposes and states:

1. I am counsel for Cross-Defendant, South County Estates, LLC in the above-entitled action

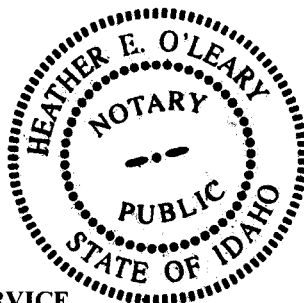
2. On the 13th day of February, 2017, a received a copy of *Defendant First Security Corporation's Answer to Verified Complaint for Declaratory Relief and to Quiet Title to Water Rights, and Cross-Claim.*

3. I hereby accept service of said document on behalf of the above-name Cross-Defendant.

DATED this 13th day of February, 2017.

James R. Laski

SUBSCRIBED AND SWORN to before me this 13th day of February, 2017.



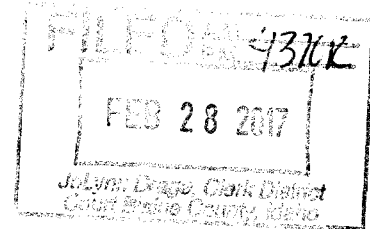
Heather E. O'Leary
NOTARY PUBLIC

Residing at: 13306 Hwy 75 Ketchum, ID
Commission Expires: 11-4-20

ACCEPTANCE OF SERVICE

2

James R. Laski, ISB # 5429
Heather E. O'Leary, ISB # 8693
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340
Telephone 208.725.0055
Facsimile 208.725.0076



Attorneys for Defendant/Cross-defendant South County Estates, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
liability company,

Plaintiff,

v.

SOUTH COUNTY ESTATES, LLC, an
administratively dissolved Idaho limited
liability company; BIG STICK, LLC, an
administratively dissolved Idaho limited
liability company; PENSCO TRUST
COMPANY F.B.O. RICHARD D.
FOSBURY, IRA #F01EC; PENSCO
TRUST COMPANY CUSTODIAN F.B.O.
CHARLES HOLT, IRA #H01NH;
PENSCO TRUST COMPANY
CUSTODIAN F.B.O. CHARLES HOLT,
IRA #H01NV; FIRST SECURITY CORP.;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; GBCI OTHER
REAL ESTATE, LLC, and DOES 1-5,
unknown persons who may claim an
interest in the subject water rights,

Defendants.

FIRST SECURITY CORPORATION,

Cross-claimant,

Case No. CV-2016-671

**DEFENDANT/CROSS-DEFENDANT
SOUTH COUNTY ESTATES, LLC'S
ANSWER TO DEFENDANT/CROSS-
CLAIMANT FIRST SECURITY
CORPORATION'S CROSS-CLAIM**

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-defendant.

BIG STICK, LLC, an Idaho limited liability
company,

Cross-claimant,

v.

MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK and GBCI OTHER
REAL ESTATE, LLC, an Idaho limited
liability company,

Cross-defendants.

Comes Now Defendant/Cross-defendant South County Estates, LLC ("South County"), by and through its counsel of record, Lawson Laski Clark & Pogue, PLLC, and hereby files this answer to First Security Corporation's ("FSC") Cross-claim ("Cross-claim"). Unless expressly admitted, South County denies each and every allegation in the Cross-claim.

PARTIES AND JURISDICTION

1. In answering paragraph 1, South County admits that it was formed as an Idaho limited liability company on August 7, 2003. South County states that the cited records speak for themselves and denies any inference or allegation drawn therefrom.
2. In answering paragraph 2, South County is without knowledge as to the contents therein and therefore denies the allegations.
3. In answering paragraph 3, South County is without knowledge as to the contents therein and therefore denies the allegations.

4. In answering paragraph 4, South County admits that the Court has jurisdiction over this matter pursuant to Idaho Code § 5-514(c) and denies all allegations or inferences concerning the ownership of water right nos. 37-381C, 37-482H, 37-483C, 37-577BT and 37-2630 (the “Water Rights”).

5. In answering paragraph 5, South County admits that water rights are real property and states that Idaho Code § 55-101(1) speaks for itself.

6. South County admits the allegations in paragraph 6.

7. South County admits the allegations in paragraph 7.

COMMON ALLEGATIONS

8. South County admits the allegations in paragraph 8.

9. In answering paragraph 9, South County admits that Mountain West Bank (“MWB”) filed a Notice of Security Interest in a Water Right with the Idaho Department of Water Resources (“IDWR”) and that MWB’s mortgage (“MWB Mortgage”) was recorded as Instrument No. 527439 in Blaine County, Idaho. South County is without knowledge as to whether the Notice was acknowledged by IDWR or whether the MWB Mortgage was included with the Notice and therefore denies the allegation.

10. In answering paragraph 10, South County admits that MWB recorded a Partial Release of Lien (“Partial Release of Lien”) on June 25, 2009 as Instrument No. 568681 in Blaine County, Idaho. South County admits that the Partial Release of Lien and the quoted language from said document speaks for itself, and denies any inference or allegation drawn therefrom.

11. In answering paragraph 11, South County admits that on June 25, 2009 it conveyed 7.5/289th of the Water Rights to John Scherer and Charles Holt by quitclaim deed (“Scherer/Holt Quitclaim Deed”). South County admits that the Quitclaim Deed and the quoted

language from said document speaks for itself, and denies any inference or allegation drawn therefrom.

12. In answering paragraph 12, South County admits that Scherer and Holt executed a mortgage in favor of Idaho Independent Bank ("IIB") which was recorded as Instrument No. 568682 in Blaine County, Idaho and that said document speaks for itself, and denies any inference or allegation drawn therefrom.

13. In answering paragraph 13, South County admits that IIB filed a Notice of Security Interest in a Water Right with IDWR and that the document speaks for itself. South County is without knowledge as to whether the Notice was acknowledged by IDWR or whether the IIB Mortgage was attached with the IIB Security Interest submittal to IDWR and therefore denies the allegation

14. In answering paragraph 14, South County admits that after it conveyed 7.5/289th of the Water Rights to Scherer and Holt by the Scherer/Holt Quitclaim Deed, it executed a Deed in Lieu of Foreclosure ("Deed in Lieu") in favor of MWB, which was recorded in Blaine County on June 17, 2010 as Instrument No. 578331 and that said document speaks for itself. South County denies the remaining allegations contained in paragraph 14.

15. In answering paragraph 15, South County admits that MWB gave GBCI Other Real Estate, Inc. ("GBCI") a deed recorded as Instrument No. 578364 and that said document speaks for itself and denies any inference or allegation drawn therefrom.

16. In answering paragraph 16, South County admits that the SRBA District Court issued Partial Decrees on August 31, 2010 and that the terms of the Partial Decrees referred to therein speak for themselves.

17. In answering the allegations contained in paragraph 17, South County alleges that approximately 11 months after entry of the SRBA partial decrees (*see* Idaho Code § 42-248), MWB filed a Notice in Change of Ownership with IDWR, sometime in the latter part of July 2011, seeking to change the name and address of the water right holder for the entirety of the Water Rights from South County to MWB. MWB included its June 17, 2010 Deed in Lieu from South County as evidence to IDWR that the change should be made as to the entirety of the water rights. South County alleges that the deeds of record in Blaine County, Idaho show that MWB did not have right, title, and interest as to 15.3/289th interest in the Water Rights, as MWB, on or about June 25, 2009 released its interest in 7.5/289th of the water rights via the Partial Release and, thereafter, on October 14, 2009, released its interest in 7.8/289th of the water rights, that South County recorded quitclaim deeds in Blaine County, Idaho conveying the same interest in the 15.3/289th to Big Stick, LLC, Pensco Trust Company FBO Richard D. Fosbury IRA# F01EC (“Fosbury IRA”), Pensco Trust Company FBO Charles Holt IRA #H01NH and IRA # H01NV (collectively, the “Holt IRA”) and John Scherer and Charlie Holt. South County alleges that the deeds of record in Blaine County, Idaho show that, in the latter part of July 2011, when MWB sought to make the change from South County to MWB, that MWB was not the proper party to make the request to IDWR, as on or about June 17, 2010, MWB had conveyed its interest to GBCI. South County alleges that MWB had no legal right to alter Big Stick, Fosbury IRA, Holt IRA and John Scherer and Charlie Holt’s right, title and interest to their water rights. South County denies that IDWR properly processed MWB’s Notice of Change in Ownership.

18. In answering paragraph 18, South County states that Idaho Code § 42-248 speaks for itself and that it is without knowledge sufficient to form a belief as to the allegations contained in paragraph 18 and therefore denies the same.

19. In answering the allegations contained in paragraph 19, South County admits that, on approximately December 20, 2011, GBCI conveyed what interest it had, if any, in the Water Rights to Belle Ranch by special warranty deed (“Special Warranty Deed”), recorded in Blaine County, Idaho and that said document speaks for itself, and denies any inference or allegation drawn therefrom.

20. In answering the allegations contained in paragraph 20, South County admits that, on approximately December 21, 2011, MWB conveyed what interest it had, if any, in the Water Rights to Belle Ranch by quitclaim deed (the “MWB Quitclaim Deed”), recorded in Blaine County, Idaho and that said document speaks for itself, and denies any inference or allegation drawn therefrom.

21. The allegations contained in paragraph 21 call for a legal conclusion to which South County neither admits nor denies.

22. In answering paragraph 22, South County admits that, on or about February 28, 2012, Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, filed a Notice of Change in Water Right Ownership with IDWR seeking to change the name and address of the right holder for the entirety of the Water Rights to Belle Ranch. South County admits that, on or about March 7, 2012, the change was processed by IDWR. South County alleges that the deeds submitted by Justin Stevenson and Brett Stevenson, on behalf of Belle Ranch, were the deeds they received from MWB and GBCI but that the chain of title was incomplete. South County denies the IDWR’s processing of the change of ownership actually changed ownership and asserts that IDWR’s processing of the change of ownership cannot circumvent actual valid deeds.

23. In answering paragraph 23, South County admits that, on approximately September 2, 2014, Scherer and Holt executed a Non-Merger Deed in Lieu of Foreclosure to IIB (“IIB Deed in Lieu”) and that said document and the quoted language from said document speaks for itself, and denies any inference or allegation drawn therefrom.

24. In answering the allegations contained in paragraph 24, South County admits that IIB executed a warranty deed in favor of FSC, which was recorded in Blaine County on October 20, 2014 as Instrument No. 622056 and that said document speaks for itself, and denies any inference or allegation drawn therefrom.

25. South County is without knowledge as to the contents therein and therefore denies the allegations.

26. In answering the allegations contained in paragraph 25, South County is without knowledge as to whether IDWR received FSC’s Notice of Change of Water Right Ownership but admits that such Notice was filed with IDWR and that the document speaks for itself.

27. In answering paragraph 26, South County is without knowledge as to the contents therein and therefore denies the allegations.

28. In answering paragraph 27, South County is without knowledge as to the contents therein and therefore denies the allegations.

29. In answering paragraph 28, South County is without knowledge as to the contents therein and states that the quoted language from the cited document speaks for itself, and denies any inference or allegation drawn therefrom.

30. In answering paragraph 29, South County is without knowledge as to whether FSC sent a letter in opposition to the March 21, 2016 letter from Belle Ranch to IDWR and therefore denies the allegations.

31. In answering paragraph 30, South County is without knowledge as to whether counsel for Belle Ranch replied to FSC's March 31, 2016 letter and therefore denies the allegations.

32. In answering paragraph 31, South County is without knowledge regarding the allegations contained in paragraph 31 and states that the quoted language from the cited document speaks for itself, and denies any inference or allegation drawn therefrom.

33. In answering paragraph 32, South County is without knowledge regarding the allegations contained in paragraph 32 and therefore denies the allegations.

34. In answering paragraph 33, South County states that the cited records speak for themselves and denies any inference or allegation drawn therefrom.

QUIET TITLE

35. In answering the allegations contained in paragraph 34, South County incorporates herein, by reference, its responses to the preceding paragraphs.

36. The allegations contained in paragraph 35 call for a legal conclusion to which South County neither admits nor denies.

37. The allegations contained in paragraph 36 call for a legal conclusion to which South County neither admits nor denies.

38. The allegations contained in paragraph 37 call for a legal conclusion to which South County neither admits nor denies.

39. The allegations contained in paragraph 38 call for a legal conclusion to which South County neither admits nor denies.

40. The allegations contained in paragraph 39 call for a legal conclusion to which South County neither admits nor denies.

FSC'S CLAIM FOR ATTORNEY'S FEES AND COSTS

South County denies that FSC is entitled to an award of its reasonable costs and attorney's fees incurred in this suit.

REQUEST FOR ATTORNEY'S FEES AND COSTS

South County has been required to retain the law firm of Lawson Laski Clark & Pogue, PLLC, to defend this matter and is entitled to recovery of attorney's fees and costs pursuant to Idaho Codes §§ 12-120, 12-121, Idaho Rule of Civil Procedure 54 and any other applicable laws allowing for the recovery of attorneys' fees in this action, including but not limited to when justice so requires.

PRAYER FOR RELIEF

WHEREFORE, Defendant/Cross-defendant South County prays as follows:

1. That FSC's Cross-claim be dismissed in its entirety, with prejudice and FSC take nothing;
2. That South County be awarded its reasonable costs and attorney's fees incurred in defending this action as prayed for in the Answer; and
3. For any such other and further relief as this Court deems just and proper.

DATED THIS 28 day of February, 2017.

LAWSON LASKI CLARK & POGUE, PLLC

By 

Heather E. O'Leary
Attorneys for Defendant/Cross-defendant
South County Estates, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 28th, 2017 he/she caused a true and correct copy of the foregoing instrument to be served on the following persons by the means indicated:

Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson llp
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

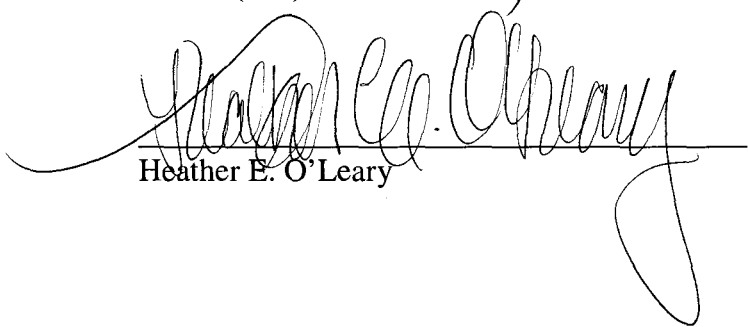
☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 344-6034

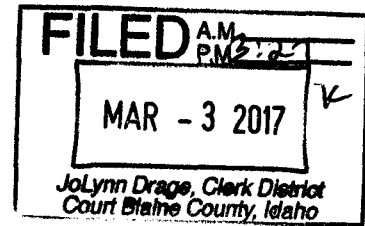
Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 287-0864

R. Wayne Sweney
Lukins & Annis, PS
601 E. Front Street, Suite 303
Coeur d'Alene, ID 83814-5155

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Telecopy
(208) 666-4111


Heather E. O'Leary



R. WAYNE SWENEY, ISB# 1614
 LUKINS & ANNIS, P.S.
 601 E. Front Ave., Ste. 303
 Coeur d'Alene, Idaho 83814
 Telephone: (208) 666-4102
 Fax: (208) 666-4112

*Attorneys for Defendants MOUNTAIN WEST BANK,
 a Division of Glacier Bank, and GBCI OTHER REAL ESTATE, LLC,*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
 liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
 administratively dissolved Idaho limited
 liability company; BIG STICK, LLC, an
 administratively dissolved Idaho limited
 liability company; PENSCO TRUST
 COMPANY F.B.O. RICHARD D.
 FOSBURY, IRA #F01EC; PENSCO
 TRUST COMPANY CUSTODIAN
 F.B.O. CHARLES HOLT, IRA #H01NF;
 PENSCO TRUST COMPANY
 CUSTODIAN F.B.O. CHARLES HOLT,
 IRA #H01NV; FIRST SECURITY
 CORP.; MOUNTAIN WEST BANK, A
 DIVISION OF GLACIER BANK; GBCI
 OTHER REAL ESTATE, LLC, and
 DOES 1-5, unknown persons who may
 claim an interest in the subject water
 rights,

Defendants.

Case No. CV-16-671

**DISCLAIMER BY MOUNTAIN WEST
 BANK AND GBCI OTHER REAL
 ESTATE, LLC**

NOTICE is hereby given that *Defendants MOUNTAIN WEST BANK, a Division of Glacier Bank, and GBCI OTHER REAL ESTATE, LLC* disclaims any interest in the water rights that are the subject of this action and described as "Water Right Nos. 37-481C, 37-577BT, 37-482H, 37-2630 and 37-483C." These Defendants are entitled to the protection of Idaho Code § 6-402 against any claim for an award of costs or attorney's fees.

Dated: *March 3, 2017*

LUKINS & ANNIS, PS

By: 

R. Wayne Sweney

Attorneys for MOUNTAIN WEST BANK, a
Division of Glacier Bank and GBCI OTHER
REAL ESTATE, LLC

Defendants MOUNTAIN WEST BANK, a Division of Glacier Bank, and
GBCI OTHER REAL ESTATE, LLC, having conveyed whatever interest they had in
"Water Right Nos. 37-481C, 37-577BT, 37-482H, 37-2630 and 37-483C," hereby disclaim
any interest in said rights.

_____ Dated: _____

MOUNTAIN WEST BANK, DIVISION OF
GLACIER BANK

GBCI OTHER REAL ESTATE OWNED, LLC

By: 

Richard Brittain, Sr. Vice President
MOUNTAIN WEST BANK, a Division of
Glacier Bank and on behalf of
GBCI OTHER REAL ESTATE, LLC

CERTIFICATE OF SERVICE

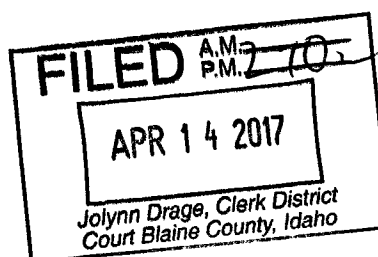
I hereby certify that on 3 March, 2017, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Albert P. Barker, ISB #4242 Paul L. Arrington, ISB #7198 BARKER ROSHOLT & SIMPSON LLP 1010 W. Jefferson St., Ste. 102 P.O. Box 2139 Boise, Idaho 83701-2139	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208-344-6034 <input type="checkbox"/> VIA EMAIL
Chris M. Bromley, ISB # 6530 Candice M. McHugh, ISB # 5908 McHugh Bromley, PLLC 380 S. 4 th St., Ste. 103 Boise, ID 83702	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208- 287-0864 <input type="checkbox"/> VIA EMAIL
James R. Laski Lawson Laski Clark & Pogue PLLC PO Box 3310 Ketchum, ID 83340	<input type="checkbox"/> VIA FIRST CLASS MAIL <input type="checkbox"/> VIA HAND DELIVERY <input checked="" type="checkbox"/> VIA FACSIMILE 208- 725-0076 <input type="checkbox"/> VIA EMAIL



R. WAYNE SWENEY

Albert P. Barker, ISB #4242
 Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
 1010 W. Jefferson St., Ste. 102
 P.O. Box 2139
 Boise, Idaho 83701-2139
 Telephone: (208) 336-0700
 Facsimile: (208) 344-6034



Attorneys for Plaintiff, Belle Ranch, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

BELLE RANCH, LLC, an Idaho limited
 liability company;

Plaintiff,

vs.

SOUTH COUNTY ESTATES, LLC, an
 administratively dissolved Idaho limited
 liability company; BIG STICK, LLC, an
 administratively dissolved Idaho limited
 liability company; PENSCO TRUST
 COMPANY F.B.O. RICHARD D.
 FOSBURY, IRA #F01EC; PENSCO
 TRUST COMPANY CUSTODIAN F.B.O.
 CHARLES HOLT, IRA #H01NH;
 PENSCO TRUST COMPANY
 CUSTODIAN F.B.O. CHARLES HOLT,
 IRA #H01NV; FIRST SECURITY CORP.;
 MOUNTAIN WEST BANK, A DIVISION
 OF GLACIER BANK; GBCI OTHER
 REAL ESTATE, LLC, and DOES 1-5,
 unknown persons who may claim an interest
 in the subject water rights,

Defendants.

FIRST SECURITY CORPORATION,

Cross-claimant,

Case No. CV-16-671

**STIPULATION TO CONSOLIDATE
 RELATED CASES**

vs.

SOUTH COUNTY ESTATES, LLC;
MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK; and GBCI OTHER
REAL ESTATE, LLC

Cross-defendants.

BIG STICK, LLC, an Idaho limited liability
company,

Cross-claimant,

vs.

MOUNTAIN WEST BANK, A DIVISION
OF GLACIER BANK and GBCI OTHER
EAL ESTATE, LLC, an Idaho limited
liability company,

Cross-defendants.

COME NOW, the Parties to the above action, by and through their attorneys of record, and hereby stipulated to the consolidation of the following related cases, pursuant to Idaho Rule of Civil Procedure 42(a):

- *Belle Ranch, LLC v. South County Estates, LLC, et al.* (Blaine County Case No. CV-2016-671);
- *Big Stick, LLC, et al. v. Belle Ranch, LLC, et al.* (Blaine County Case No. CV-6016-683); and
- *First Security Corporation v. Belle Ranch, LLC, et al.* (Blaine County Case No. CV-2016-645).

These cases each arise out of separate claims to ownership of, and liens upon, certain water rights in the Bellevue Triangle area of the Wood River Valley. Through each separate action, the Plaintiffs seek to quiet title in some portion of the same water rights. Each case arises

out of the same facts and circumstances and involve similar questions of law. As such, these cases should be consolidated for all purposes, pursuant to Civil Rule 42(a).

Nothing in this consolidation stipulation shall be construed as changing the parties' respective burdens of proof. The parties will attempt to agree upon a procedure for the orderly presentation of evidence at trial of the consolidated cases.

All subsequently filed pleadings in these proceedings shall be filed with the following caption:

FIRST SECURITY CORPORATION;

Plaintiff,

vs.

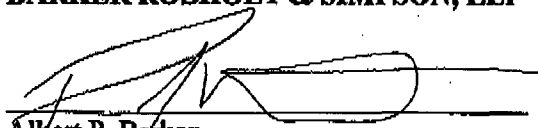
BELLE RANCH, LLC, an Idaho limited liability company; *et al.*

Defendants.

Case No. CV-16-645

Accordingly, the Parties stipulate to consolidation of these related cases as provided above.

[signatures on next page]

DATED this 14th day of April, 2017**BARKER ROSHOLT & SIMPSON, LLP**
Albert P. Barker

Paul L. Arrington

Attorneys for Belle Ranch, LLC

DATED this ____ day of _____, 2017

McHUGH BROMLEY, PLLC

Chris M. Bromley*Attorneys for First Security
Corporation*

DATED this ____ day of _____, 2017

**LAWSON LASKI CLARK & POGUE,
PLLC**

James R. Laski

Heather E. O'Leary

*Attorneys for Big Stick, LLC, South
County Estates, LLC, Richard D.
Fosbury, Charles Holt*

DATED this ____ day of _____, 2017

LUKINS & ANNIS, PS

R. Wayne Sweeney*Attorneys for Mountain West Bank &
GBCI Other Real Estate, LLC*

DATED this ____ day of _____, 2017

RAY QUINNEY & NEBEKER, P.C.

Michael Mayfield*Attorneys for Rabo Agrifinance, LLC*

DATED this ____ day of _____, 2017

BARKER ROSHOLT & SIMPSON, LLP

Albert P. Barker
Paul L. Arrington
Attorneys for Belle Ranch, LLC

DATED this 3rd day of April, 2017

McHUGH BROMLEY, PLLC

Chris M. Bromley
Attorneys for First Security Corporation

DATED this ____ day of _____, 2017

LAWSON LASKI CLARK & POGUE, PLLC

James R. Laski
Heather E. O'Leary
Attorneys for Big Stick, LLC, South County Estates, LLC, Richard D. Fosbury, Charles Holt

DATED this ____ day of _____, 2017

LUKINS & ANNIS, PS

R. Wayne Sweney
Attorneys for Mountain West Bank & GBCI Other Real Estate, LLC

DATED this ____ day of _____, 2017

RAY QUINNEY & NEBEKER, P.C.

Michael Mayfield
Attorneys for Rabo Agrifinance, LLC

STIPULATION TO CONSOLIDATE RELATED CASES

4

DATED this ____ day of _____, 2017

BARKER ROSHOLT & SIMPSON, LLP

Albert P. Barker

Paul L. Arrington

Attorneys for Belle Ranch, LLC

DATED this ____ day of _____, 2017

McHUGH BROMLEY, PLLC

Chris M. Bromley*Attorneys for First Security
Corporation*DATED this 19 day of April, 2017**LAWSON LASKI CLARK & POGUE,
PLLC**

James R. Laski

Heather E. O'Leary

*Attorneys for Big Stick, LLC, South
County Estates, LLC, Richard D.
Fosbury and Charles Holt*

DATED this ____ day of _____, 2017

LUKINS & ANNIS, PS

R. Wayne Sweeney*Attorneys for Mountain West Bank &
GBCI Other Real Estate, LLC*

DATED this ____ day of _____, 2017

RAY QUINNEY & NEBEKER, P.C.

Michael Mayfield*Attorneys for Rabo Agrifinance, LLC*

DATED this ____ day of _____, 2017

BARKER ROSHOLT & SIMPSON, LLP

Albert P. Barker

Paul L. Arrington

*Attorneys for Belle Ranch, LLC*DATED this 13th day of April, 2017**McHUGH BROMLEY, PLLC**



Chris M. Bromley

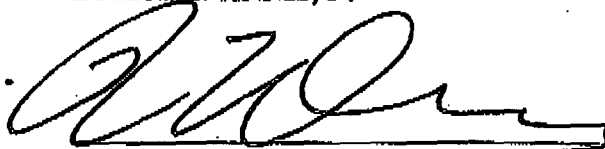
*Attorneys for First Security
Corporation*

DATED this ____ day of _____, 2017

**LAWSON LASKI CLARK & POGUE,
PLLC**

James R. Laski

Heather E. O'Leary

*Attorneys for Big Stick, LLC, South
County Estates, LLC, Richard D.
Fosbury, Charles Holt*DATED this 13 day of April, 2017**LUKINS & ANNIS, PS***No objection.*

R. Wayne Sweeney

*Attorneys for Mountain West Bank &
GBCI Other Real Estate, LLC*

DATED this ____ day of _____, 2017

RAY QUINNEY & NEBEKER, P.C.

Michael Mayfield*Attorneys for Rabo Agrifinance, LLC*

STIPULATION TO CONSOLIDATE RELATED CASES

4

DATED this ____ day of _____, 2017

BARKER ROSHOLT & SIMPSON, LLP

Albert P. Barker
Paul L. Arrington
Attorneys for Belle Ranch, LLC

DATED this ____ day of _____, 2017

McHUGH BROMLEY, PLLC

Chris M. Bromley
*Attorneys for First Security
Corporation*

DATED this ____ day of _____, 2017

**LAWSON LASKI CLARK & POGUE,
PLLC**

James R. Laski
Heather E. O'Leary
*Attorneys for Big Stick, LLC, South
County Estates, LLC, Richard D.
Fosbury, Charles Holt*

DATED this ____ day of _____, 2017

LUKINS & ANNIS, PS

R. Wayne Sweney
*Attorneys for Mountain West Bank &
GBCI Other Real Estate, LLC*

DATED this 13th day of April, 2017**RAY QUINNEY & NEBEKER, P.C.**

Michael S. Mayfield
Michael Mayfield
Attorneys for Rabo Agrifinance, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of April, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to each of the following:

James R. Laski
Lawson Laski Clark & Pogue, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile
☐ E-mail

Chris Bromley
McHugh Bromley Attorneys at Law, PLLC
380 S. 4th Street, Suite 103
Boise, ID 83702

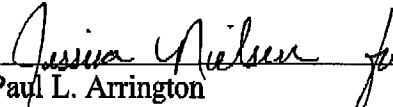
☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile
☐ E-mail

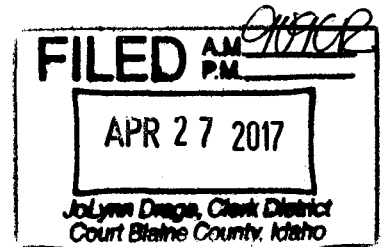
R. Wayne Sweeney
Lukins & Annis, PS
601 Front Street, Suite 303
Coeur d'Alene, ID 83814-5155

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile
☐ E-mail

Michael Mayfield
Ray Quinney & Nebeker P.C.
36 South State Street, Suite 1400
Salt Lake City, UT 84111

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile
☐ E-mail


Paul L. Arrington



Fifth Judicial District Court, State of Idaho

In and For the County of Blaine

First Security Corporation, an Idaho corporation	)	Case No: CV-2016-0000645
vs.)	
Belle Ranch, LLC, etal.)	
_____)	
Belle Ranch, LLC	)	Case No: CV-2016-0000671
vs.)	
South County Estates, LLC, an Idaho LLC, etal.)	
_____)	
Big Stick, LLC, etal.	)	Case No: CV-2016-0000683
vs.	)	CIVIL CASE SCHEDULING ORDER, NOTICE
Belle Ranch, LLC, etal.	)	OF TRIAL SETTING AND INITIAL PRETRIAL
	)	ORDER MOTIONS I.R.C.P. 16
)	

Pursuant to I.R.C.P. 16 and 40, **IT IS HEREBY ORDERED:**

1. TRIAL: This case is set for the following proceedings: **Pretrial Conference Monday, November 20, 2017 01:30 PM. Court Trial Wednesday, December 13, 2017 09:00 AM.**

A total of 3 days have been reserved for this trial. On the first day of trial, counsel shall report to the Court's chambers at 8:30 a.m. for a brief conference. Unless otherwise ordered, trial will convene at 9:00 a.m. each morning, and adjourn at approximately 5:00 p.m. each afternoon.

2. ALTERNATE JUDGES: In accordance with the enclosed ISTARS trial notice, please note that the presiding judge listed below intends to utilize the provisions of I.R.C.P. 40(a)(6).

3. PRETRIAL CONFERENCES: The scheduled pre-trial conference will be conducted pursuant to I.R.C.P. 16.

4. SCHEDULING AND HEARINGS: The Court holds its regular civil law and motion calendar each Monday. As a matter of calendar management, counsel shall contact the Court's deputy clerk, Crystal Rigby (208) 788-5521 to schedule hearings. As a matter of courtesy, counsel are also expected to confirm the availability of opposing counsel for proposed hearing dates. As an accommodation to out-of-town counsel and parties, hearings on any pretrial motion (except motions for summary judgment or hearings at which testimony is to be offered) may be conducted by telephone conference call pursuant to I.R.C.P. 7(b)(4). Counsel requesting a hearing by conference call will be responsible for arranging for placement of the call using a suitable conference operator, and the cost thereof.

5. MOTIONS GENERALLY (applies to **every** motion).

6. Unless otherwise provided by a specific rule (e.g. Rule 56), or absent an order shortening time, all motions must be filed and served at least fourteen (14) days prior to hearing.

7. One additional copy marked or stamped "**Judge's copy**" of any motion and all supporting or opposing papers (including affidavits and briefs) must be submitted **via mail** to the judge's chambers when such documents are filed or lodged with the clerk of the Court. If a party relies upon any case not available on Westlaw, a copy of such case must be attached to the copy of the brief submitted to the judge's chambers.

8. The amount of time each side will be allotted for oral argument on a motion may be set by the Court, not to exceed thirty (30) minutes per side. The Court may also deny oral argument. I.R.C.P. 7(b)(3)(D).

9. PRETRIAL MOTIONS: All counterclaims, cross-claims, joinders or third party complaints must be filed and served promptly and in no event less than 180 days before trial. All motions to amend pleadings (including motions pertaining to punitive damages under I.C. §6-1604) must be filed and heard so as not to require the continuance or vacation of the trial date, and in no event less than ninety (90) days before trial. All motions for summary judgment must be filed not later than ninety (90) days before trial, unless otherwise ordered by the Court. I.R.C.P. 56(a). All

other non-dispositive pre-trial motions (including, but not limited to motions *in limine*) must be filed and scheduled for hearing not less than fourteen (14) days before trial. Exceptions will be granted only in extreme circumstances and only when justice so requires.

No motions will be set or heard on the morning of trial prior to selecting a jury without express approval of the Court.

Motions to shorten time for any hearing should be coordinated with opposing counsel and set for telephone hearing with the Court at the earliest opportunity. Any such motion **must contain** a statement detailing efforts to coordinate hearings with opposing counsel, both on the motion to shorten time and the main motion, setting forth the proposed dates for hearing in the event time is shortened, a clear explanation as to why the court should hear the matter on shortened notice, and must be served on opposing counsel by the most expeditious means possible. The court may decline to hear any motion for which appropriate notice has not been given. If you oppose a motion to shorten time, or are unavailable for hearing on either motion, you should fax any response to the court clerk at (208) 788-5527 at the earliest opportunity.

10. ADDITIONAL SUMMARY JUDGMENT REQUIREMENTS: All motions for summary judgment, whether full or partial, shall be in accordance with the time standards set forth in Rule 56. Each motion must be accompanied by a memorandum which includes a concise statement of each material fact upon which the moving party claims there is no genuine issue, and which shall include a specific reference to that portion of the record at or by which such fact is proven or established. Any party opposing a motion for summary judgment shall file any affidavits and opposing brief(s) in accordance with Rule 56 time standards. The opposing brief shall identify the specific factual matters as to which the non-moving party contends there are genuine issues of fact requiring denial of the motion, including a specific reference to the portion of the record which supports the claim that a genuine issue of fact exists. In ruling upon any summary judgment motion, the Court may assume that the facts as claimed by the moving party are conceded to exist without dispute except and to the extent the non-moving party shall have controverted them. Any reply brief must be filed prior to hearing in accordance with Rule 56 time standards.

11. DISCOVERY AND DISCOVERY DISPUTES: The Court will not entertain any discovery motion unless accompanied by a written certification signed by counsel, as required by I.R.C.P. 37(a)(2), which confirms that a reasonable effort has been made to voluntarily resolve the

dispute with opposing counsel, and identifying the particular effort(s) made. The motion to compel must SPECIFICALLY ADDRESS THAT PORTION OF THE DISCOVERY AT ISSUE and CONTAIN A STATEMENT OF REQUESTED RELIEF.

A party's obligation to fully and timely respond to discovery requests is distinct from any obligation imposed by this order. No party may rely upon this order or any deadline it imposes as justification for failing to timely respond earlier to discovery requests or to supplement prior responses. Reasonable expenses incurred when successfully prosecuting or opposing a motion to compel discovery shall be awarded as provided in Rule 37(a)(4) I.R.C.P.

12. DISCOVERY CUT-OFFS: Absent a stipulation to the contrary, all discovery shall be propounded and served such that responses are due no later than thirty (30) days before trial. Any supplemental responses a party is required to make pursuant to I.R.C.P. 26(e) or the terms of an earlier discovery request shall also be served at least thirty (30) days before trial. Any supplementation of discovery required by the rule shall be made in a timely manner. Absent stipulation, depositions may not be taken within fifteen (15) days of the trial date without leave of court, which may be granted upon shortened notice and for good cause shown.

13. WITNESS DISCLOSURES/EXPERT WITNESSES: Each party shall disclose the existence and identity of intended or potential expert or lay witnesses to the extent required by interrogatories or other discovery requests propounded by another party, and each party shall disclose the identity of any witness it expects will testify at trial to present evidence under I.R.E. 702, 703, and 705. In addition, each party shall make all disclosures required by Rule 26(b)(4)(A) pursuant to this order. The plaintiff, (or any party in the position of a plaintiff against another party, regardless of the pleading form) **shall disclose the existence and identity of expected expert witnesses and the subject matter and the substance of any opinions of such experts, and all information called for by IRCP 26(b)(4)(A)(i) and (ii) at the earliest opportunity, and in no event later than one hundred-twenty (120) days before trial.** A defendant, (and any party in the position of a defendant, regardless of the pleading form) **shall disclose the existence and identity of expected expert witnesses and the subject matter and substance of any opinions of such experts and all information called for by IRCP 26(b)(4)(A)(i) and (ii) at the earliest opportunity, and in no event later than eighty-five (85) days before trial. THIS PROVISION MEANS THAT WHEN AN**

EXPERT IS IDENTIFIED, HE OR SHE MUST HAVE PERFORMED SUCH INVESTIGATION AS MAY BE NECESSARY, REVIEWED SUCH DOCUMENTS AS MAY BE NECESSARY, AND REACHED CONCLUSIONS OR OPINIONS AS MAY BE REQUIRED SO THAT DISCLOSURE OF THAT INFORMATION, OR SUCH OTHER INFORMATION AS MAY BE REQUESTED BY DISCOVERY OR REQUIRED BY I.R.E. 703 AND 705 WILL BE DISCLOSED NO LATER THAN 120 DAYS OR 85 DAYS PRIOR TO TRIAL.

The expectation that an expert may be deposed is not a ground for failure to make disclosures called for by discovery, by rule of evidence, or by Rule 26(b)(4) IRCP. EXPERTS MAY BE PROHIBITED FROM TESTIFYING TO ANY OPINIONS OR FOUNDATION FOR SUCH OPINIONS THAT HAVE NOT BEEN THE SUBJECT OF TIMELY AND PROPER DISCLOSURE. IF AN OPINION OR FOUNDATION FOR AN OPINION OF AN EXPERT CHANGES IN ANY FASHION AFTER PREVIOUS DISCLOSURES HAVE BEEN MADE THERE IS A DUTY TO IMMEDIATELY SUPPLEMENT SUCH INFORMATION PURSUANT TO RULE 26(e) IRCP.

In the event there is some question whether a witness offering an opinion does so as a lay witness or an expert witness, and therefore what disclosures may be required, the Court advises parties that disclosure of the facts and data underlying the opinion, as well as any opinions, are far more important than classifying the witness as lay or expert. If in doubt, disclose.

In addition, any documents, summaries, photographs, charts, graphs, exhibits, or data compilation produced or relied upon by an expert which are expected to be shown to the jury as part of the expert's examination must be the subject of complete, independent, and timely disclosure. This includes any calculations or drawings the expert might make as part of their direct examination. It is not sufficient for a party to simply indicate generally in discovery responses that an expert will or may refer to exhibits which have been or may be later disclosed, or which may or may not be admissible. Any documents or exhibits expected to be shown to the jury as part of any expert's testimony must be independently disclosed as such at least twenty (21) days prior to trial. Otherwise, although the expert may

refer generally to such exhibits in testimony, they may not be independently shown to the jury as part of the expert's examination. ¹

Any party upon whom discovery is served who intends or reserves the right to call any expert witness in rebuttal or sur-rebuttal shall identify such experts at the earliest opportunity, and in no event later than forty-two (42) days before trial. **A DEFENSE EXPERT INTENDED TO BE CALLED DURING ANY DEFENSE CASE IN CHIEF IS NOT A "REBUTTAL" WITNESS WITHIN THE TERMS OF THIS ORDER.** Any party upon whom discovery requests are served seeking disclosure of lay witnesses shall, in good faith, disclose the identity of all such witnesses at the earliest opportunity, and in no event later than forty-two (42) days before trial. Absent a showing of good cause and a lack of unfair prejudice to any other party, any witness who has not been timely disclosed may not be permitted to testify at trial.

14. EXHIBITS AND EXHIBIT LISTS: When and to the extent required to respond to interrogatories, requests for production or other discovery requests propounded by another party, a party must identify and disclose any documentary, tangible or other exhibits that party intends or reserves the right to offer at trial. Absent a showing of good cause and a lack of unfair prejudice to all other parties, any exhibit which has not been timely disclosed may be excluded. Without regard to whether discovery concerning a party's exhibits has been propounded, not less than seven (7) days prior to trial, each party shall: (A) lodge with the Clerk a completed exhibit list in the form attached to this order (Exh. 1 attached) together with one complete, duplicate marked set of that party's proposed exhibits for the Judge's use during trial; and (B) deliver to counsel for each other party a copy of the complete exhibit list and duplicate copy of that party's marked exhibits. The exhibit list and duplicate copies need not include exhibits which will be offered solely for the purpose of impeachment.

Unless otherwise ordered, the plaintiff shall identify exhibits beginning with number "1," and the defendant shall utilize exhibits beginning with number "501" and include a letter or letters identifying defendant. (Example-SV501, SV502, etc.). **If any party has over 30 exhibits, all originals and copies should be bound and tabbed in appropriately sized notebooks.** The parties may agree to provide electronic copies to each other for trial in lieu of hard copies, but may not provide electronic copies to the Clerk of Court or for the Court's copy without written leave of court.

¹ Nothing in this paragraph is intended to mean that otherwise inadmissible evidence will ever be shown to the jury during the course of an expert's examination. See Rule 703 I.R.E.

15. VIDEO DEPOSITION OR LIKE EXHIBITS: Any deposition by video or like exhibit shall be presented to the Court in sufficient time before the trial to allow the Court to rule on proposed objections and to allow for a redacted version to be prepared for use at trial so as to not unduly delay the presentation of the deposition or exhibit at trial.

16. AUDIO-VISUAL AND OTHER EQUIPMENT: Counsel are expected to notify the Court no later than the pretrial conference of any need for audio-visual or other special equipment. The Court in Blaine County provides a television and DVD/VHS-format VCR, ELMO, easel and podium. Other counties differ. Counsel may furnish and utilize any additional equipment. Counsel who furnish their own equipment should make appropriate arrangements to set it up in advance so that prolonged delays are not required.

17. INTERPRETER SERVICES: If the services of an interpreter is required by either party or any witness, they shall notify the deputy clerk no later than the pretrial conference so that necessary arrangements can be made.

18. JURY INSTRUCTIONS: Jury instructions and verdict forms, particularly special verdict forms, requested by any party shall be prepared in conformity with I.R.C.P. 51(a)(1) and 51(a)(2), and shall be filed with the Clerk (with copies to chambers) at least seven (7) days before trial. Counsel shall either email the WORD formatted electronic version of the proposed instructions to the deputy clerk at crigby@co.blaine.id.us or include a WORD formatted CD containing the instructions for use by the Court. Requested instructions not timely submitted may not be included in the Court's preliminary or final charge. Parties may submit additional or supplemental instructions to address unforeseen issues or disputes arising during trial. The Court has prepared "stock" instructions, copies of which can be obtained upon request. The parties may, but are not required to submit additional stock instructions pursuant to Rule 51(a)(2).

Along with the jury instructions, counsel are to exchange and submit to the court in chambers a very short non-argumentative paragraph, suitable for reading to the jury prior to voir dire, setting forth their claims or defense, along with a final list of witnesses expected to testify, and the order in which they intend to be presented.

19. JUROR QUESTIONS: In accordance with I.R.C.P. 47(q), this Court **does not** permit jurors to submit written questions to be posed to trial witnesses.

20. TRIAL BRIEFS: The Court encourages (but does not require) the submission of trial briefs which address important substantive or evidentiary issues each party expects to arise during trial. Any trial briefs shall be prepared, exchanged between the parties, and filed with the Clerk (with copies to Chambers) at least five (5) days prior to trial. They must be served on opposing counsel in the same manner they are served upon the Court.

21. PROPOSED FINDINGS AND CONCLUSIONS: If the trial is held before the Court without a jury, each party may **with Court approval**, within fourteen (14) days after trial, file with the Clerk (with copies to Chambers) and serve upon all other parties Proposed Findings of Fact and Conclusions of Law which support that party's position concerning the appropriate resolution of the case. If done, these should be provided to the Court in email or WORD Format disk.

22. REQUEST TO VACATE TRIAL SETTING: As a result of present caseloads and the limited number of available trial dates, multiple trial settings have been assigned to the same trial dates. The Court has taken into account the needs of the parties and the case, availability and convenience of counsel, as well as its own personnel, facilities and the interests of counsel and parties in other pending cases in assigning the trial date(s). A request to vacate or continue an existing trial setting works inconveniences and hardships on the Court, its staff and other litigants, and impairs the Court's ability to efficiently manage its docket and calendar. For these reasons, requests (including stipulations) to vacate or continue a trial will be granted only in the face of unusual and unforeseen circumstances, and when the interests of substantial justice to the litigants so require.

Any party requesting *or stipulating* to vacate a trial setting must submit a specific written statement concerning the reasons for the request, and must certify, in writing, that the request or stipulation has been discussed with the parties represented by counsel, and such parties have no objection to the request or stipulation. An order granting a request to vacate or continue a trial setting may be conditioned upon terms (including orders that the requesting party or attorney reimburse other parties or their attorneys for attorney's fees incurred for preparation which must be repeated or expenses advanced in anticipation of the trial setting which cannot be avoided or recovered). An order vacating or continuing a trial setting WILL alter the deadlines set forth in this order to comport with a new trial date, unless otherwise stipulated or ordered, so that


calendar dates associated with any deadlines shall be adjusted in reference to the new or amended trial date.

23. SANCTIONS FOR NON-COMPLIANCE: A failure to comply with this order or the deadlines it imposes in a timely manner subject a non-compliant party and/or counsel to an award of sanctions pursuant to I.R.C.P. 16(i) and/or other applicable rules, statutes or case precedent.

24. MEDIATION: The Court will generally not order mediation on its own motion, but may under any of the provisions of Rule 16(k)(4) IRCP.

25. MODIFICATION OF THIS ORDER: Any party may seek modification of this order by proper motion or stipulation.

DATED this 27 day of April, 2017.



ROBERT J. ELGEE
District Judge

CERTIFICATE OF MAILING

The undersigned certifies that on the 27 day of April, 2017, she caused a true and correct copy of the foregoing **CIVIL CASE SCHEDULING ORDER, NOTICE OF TRIAL SETTING AND INITIAL PRETRIAL ORDER MOTIONS -- I.R.C.P. 16** to be filed and served upon the following persons in the following manner:

Chris Bromley
380 S. 4th St., Ste. 103
Boise ID 83702

Mailed X Hand Delivered _____ Faxed _____

Albert P. Barker
Paul L. Arrington
P.O. Box 2139
Boise ID 83701-2139

Mailed X Hand Delivered _____ Faxed _____

Michael D. Mayfield
P.O. Box 45385
Salt Lake City UT 84145-0385

Mailed X Hand Delivered _____ Faxed _____

James R. Laski
Heather Elizabeth O'Leary
PO Box 3310
Ketchum ID 83340

Mailed X Hand Delivered _____ Faxed _____

R. Wayne Sweney
601 E. Front Ave., Ste #303
Coeur D'alene ID 83814

Mailed X Hand Delivered _____ Faxed _____

CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

**CIVIL CASE SCHEDULING ORDER, NOTICE OF TRIAL SETTING
AND INITIAL PRETRIAL ORDER MOTIONS -- I.R.C.P. 16 (Rev. Nov. 2015)**

EXHIBIT LIST

_____, DISTRICT JUDGE
_____, DEPUTY CLERK
_____, COURT REPORTER

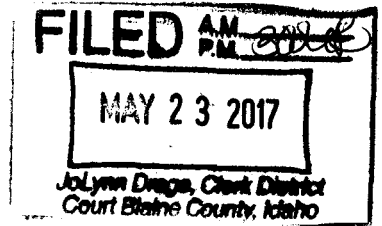
CASE NO. _____

DATE: _____

CASE: _____ VS. _____

NO	DESCRIPTION	DATE	ID	OFFD	OBJ	ADMIT

Exhibit 1 to Pre-trial Scheduling Order



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

FIRST SECURITY CORPORATION,

Plaintiff,

v.

BELLE RANCH, LLC; an Idaho Limited
Liability Company; et al.

Defendants.

Case No. CV-2016-645

**ORDER CONSOLIDATING CASE
NOS. CV-2016-645, CV-2016-671, AND
CV-2016-683**

PURSUANT to the Stipulation To Consolidate Related Cases, and good cause appearing,
therefore;

IT IS HEREBY ORDERED that Blaine County Case Nos. CV-2016-645, CV-2016-671,
and CV-2016-683 be consolidated and filed under Blaine County Case Number CV-2016-645
for all future proceedings.

SO ORDERED.

DATED THIS 22 day of May, 2017.

BY THE COURT:

By 
HON. ROBERT J. ELGEE
DISTRICT JUDGE

ORDER CONSOLIDATING CASE NOS. CV-2016-645, CV-2016-671, AND CV-2016-683 - 1

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2017 a true and correct copy of the foregoing ORDER was filed with the Clerk of Court and served via United States First Class mail, postage prepaid, to the following:

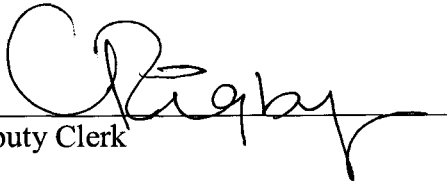
Michael D. Mayfield
Michael R. Johnson
James A. Sorenson
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
PO Box 45385
Salt Lake City, UT 45385

Albert P. Barker
BARKER ROSHOLT & SIMPSON
1010 West Jefferson Street, Suite 102
PO Box 2139
Boise, ID 83701-2139

Chris M. Bromley
Candice M. McHugh
MCHUGH BROMLEY, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702

R. Wayne Sweney
LUKINS & ANNIS
601 E. Front Ave., Ste. 303
Coeur d'Alene, ID 83814-5155

James R. Laski
Heather E. O'Leary
LAWSON LASKI CLARK & POGUE, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, ID 83340


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

Belle Ranch, LLC
vs.
South County Estates, LLC, an Idaho
LLC, Big Stick, LLC, Pensco Trust
Company, Pensco Trust Company
Custodian, First Security Corporation,
an Idaho corporation, Mountain West
Bank, An Idaho Bank, GBCI Other Real
Estate, LLC

Supreme Court No. 46144-2018 & 46147

CERTIFICATE OF EXHIBITS

I, Crystal Rigby, Deputy Clerk of the District Court of the Fifth Judicial District of the
State of Idaho in and for the County of Blaine, do hereby certify that the following
documents will be submitted as exhibits to the Record:

Court Exhibits

NONE

Plaintiff's Trial Exhibits

NONE

Defendant's Trial Exhibits

NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
said Court on this the _____ day of August, 2018.

JOLYNN DRAGE
Clerk of the Court

Seal

By: _____
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

Belle Ranch, LLC
vs.
South County Estates, LLC, an Idaho
LLC, Big Stick, LLC, Pensco Trust
Company, Pensco Trust Company
Custodian, First Security Corporation,
an Idaho corporation, Mountain West
Bank, An Idaho Bank, GBCI Other Real
Estate, LLC

Supreme Court No. 46144-2018 & 46147
CLERK'S CERTIFICATE TO THE RECORD

I, JoLynn Drage, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true, full and correct record of, the pleadings and documents under Rule 28 of the Idaho Appellate Rules.

I do further certify that copies of all documents, charts and pictures offered or admitted as exhibits in a trial or hearing in the above-entitled cause will be duly lodged with the Clerk of the Supreme Court, along with the Court Reporter's Transcript and Clerk's Record, except that pictures or depictions of child pornography shall not be copied and sent to the parties or the Supreme Court unless specifically ordered by the court. Documentary exhibits in pdf format may be sent to the Supreme Court on a CD that includes an index. All other exhibits shall be retained by the clerk of the district court as required by Rule 31 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court on this the ____ day of August, 2018.

JOLYNN DRAGE
Clerk of the Court

Seal

By: _____
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

Belle Ranch, LLC
vs.
South County Estates, LLC, an Idaho
LLC, Big Stick, LLC, Pensco Trust
Company, Pensco Trust Company
Custodian, First Security Corporation,
an Idaho corporation, Mountain West
Bank, An Idaho Bank, GBCI Other Real
Estate, LLC

Supreme Court No. 46144-2018 & 46147
CERTIFICATE OF SERVICE

I, Crystal Rigby, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that I have personally served or mailed, by United States mail, postage prepaid, one copy of the Clerk's Record and any Reporter's Transcript to each of the parties or their Attorney of Record as follows:

James R Laski ☐ By mail
PO Box 3310
Ketchum ID 83340

Christopher Michael Bromley ☐ By mail
380 S 4th Street Ste 103
Boise ID 83702

Michael D. Mayfield ☐ By mail
PO Box 45385
Salt Lake City, UT 84145

Albert P. Barker ☐ By mail
PO Box 2139
Boise, ID 83701-2139

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court on this the ____ day of August, 2018.

JOLYNN DRAGE
Clerk of the District Court

Seal

By: _____
Deputy Clerk